

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Twentieth Legislative Assembly In Regular Session

**Held at Helena, the Seat of Government of Said State,
Commencing January 3rd, 1927, and Ending March 3rd, 1927**

**With Appendix of Constitutional Amendments, Initiative and
Referendum Measures Voted upon by the People at
the General Election held November 2nd, 1926**

PUBLISHED BY AUTHORITY

STATE PUBLISHING CO., HELENA, MONT.



CERTIFICATE OF AUTHENTICATION.

State of Montana }
Department of } ss.
Secretary of State }

1, William Powers, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed at the Twentieth Regular Session of the Legislative Assembly of the State of Montana, held at Helena, the seat of Government of said State, commencing January 3rd, 1927, and concluding March 3, 1927, and, in addition, true and correct copies of all Initiative measures adopted by the people of Montana at the General Election, held November 2, 1926.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this 2nd day of May, A. D. 1927.

Great Seal
of the State
of Montana

A handwritten signature in dark ink, appearing to read "William Powers", is written over a circular embossed seal. The signature is fluid and cursive.

Secretary of State.

OFFICERS AND MEMBERS

OF THE

20th Legislative Assembly of the State of Montana

Governor, J. E. ERICKSON

Lieutenant Governor and President of the Senate, W. S. McCORMACK

Speaker of the House, G. T. DAVIS

STATE SENATORS

NAME	Residence	County	Politics
Bergstrom, Ted	Willard	Fallon	Democrat
*Brownlee, Robert	Big Timber	Sweet Grass	Republican
*Buttelman, William H.	Willow Creek	Gallatin	Democrat
Campbell, John L.	Missoula	Missoula	Republican
Campbell, J. S.	Reed Point	Stillwater	Democrat
*Church, W. R.	Helena	Lewis & Clark	Democrat
Cooper, Geo. R.	DeBorgia	Mineral	Republican
*Corrington, G. H.	Ryegate	Golden Valley	Republican
*Cowan, William T.	Box Elder	Hill	Republican
*Delaney, F. W.	Terry	Prairie	Democrat
*Dell, Frederick T.	Joplin	Liberty	Democrat
Donovan, Louis P.	Shelby	Toole	Democrat
Dowlin, Chas. M.	Forsyth	Rosebud	Republican
Duncan, M. M.	Virginia City	Madison	Democrat
Eaton, Ernest T.	Polytechnic	Yellowstone	Republican
Garber, J. D.	Plains	Sanders	Democrat
*Gilboe, Christian F.	Valier	Pondera	Republican
Goodman, E. H.	Townsend	Broadwater	Democrat
*Green, John A.	Vida	McCone	Democrat
*Greenup, L. F.	West Fork	Daniels	Republican
*Griffin, James	Chinook	Blaine	Republican
*Hazelbaker, Frank A.	Dillon	Beaverhead	Republican
*Henderson, W. C.	Jordan	Garfield	Republican
Joffray, E. N.	Clancy	Jefferson	Democrat
Johnson, Albert	Denton	Fergus	Republican
Kane, Thomas	Corvallis	Ravalli	Republican
Kemmis, Walter D.	Sidney	Richland	Republican
Kennedy, John D.	Philpsburg	Granite	Republican
Larson, T. O.	Choteau	Teton	Republican
*Linn, C. A.	White Sul. Sprgs.	Meagher	Republican
*McCabe, F. A.	Blackfoot	Glacier	Republican
*McCone, Geo.	Glendive	Dawson	Republican
*McCormick, F. T.	Roundup	Musselshell	Republican
McQuitty, I. S.	Harlowton	Wheatland	Democrat
Mears, John L.	Geyser	Judith Basin	Republican
*Paul, W. J.	Deer Lodge	Powell	Republican
Pauline, Robert	Kalispell	Flathead	Republican
Pomeroy, H. G.	Eureka	Lincoln	Republican
Porter, S. H.	Big Sandy	Chouteau	Democrat
*Richardson, Ervin A.	Crow Agency	Big Horn	Republican
Ruffcorn, William M.	Glasgow	Valley	Republican
*Schnitzler, J. W.	Froid	Roosevelt	Republican
†*Scofield, John L.	Biddle	Powder River	Republican
*Shelver, Harry M.	Livingston	Park	Republican
Sibbert, Henry N.	Winnett	Petroleum	Republican
*Smith, H. C.	Miles City	Custer	Republican
*Spencer, J. T.	Bridger	Carbon	Republican
Staggs, W. L.	Wibaux	Wibaux	Republican
*Stewart, T. P.	Anaconda	Deer Lodge	Republican
*Survant, John	Malta	Phillips	Republican
*Swift, Charles R., Jr.	Hysham	Treasure	Republican
Taylor, Charles E.	Plentywood	Sheridan	Farmer-L.
*Tower, Ralph R.	Folsom	Lake	Republican
Walker, T. J.	Butte	Silver Bow	Democrat
Wheeler, Leon L.	Ekalaka	Carter	Republican
Wuerthner, Julius J.	Great Falls	Cascade	Republican

FRANK CONE, Secretary.

*Holdovers, elected in 1924.

*To fill vacancy created by death of Senator Peden.

†Elected to succeed himself, for unexpired term of two years.

†*Deceased March 9, 1927.

House of Representatives—20th Assembly, 1927

NAME	Residence	County	Politics
Abrahamson, John C.	Roberts	Carbon	Democrat
Adair, Hugh R.	Helena	Lewis & Clark	Democrat
Akofer, Chas. A.	Valler	Pondera	Democrat
Arnold, S. C.	Broadview	Stillwater	Republican
Ballard, W. T.	Butte	Silver Bow	Democrat
Benjamin, H. E.	Shelby	Toole	Democrat
Benson, Ben N.	Medicine Lake	Sheridan	Republican
Barry, George	Butte	Silver Bow	Democrat
Besancon, Albert	Missoula	Missoula	Democrat
Bonine, G. J.	Havre	Hill	Democrat
Bretzke, Lou E.	Glasgow	Valley	Republican
Bricker, R. C.	Windham	Judith Basin	Republican
Brown, W. A.	Great Falls	Cascade	Democrat
Budas, Albert	Roberts	Carbon	Republican
Burke, Ed.	Anaconda	Deer Lodge	Democrat
Burns, Harry L.	Harlem	Blaine	Republican
Cavanaugh, Miles J.	Butte	Silver Bow	Republican
Chatham, Jas. F.	Butte	Silver Bow	Democrat
Cheadle, Edwin K., Jr.	Lewistown	Fergus	Republican
Clarke, Walter E.	Forsyth	Rosebud	Republican
Clausen, C. C.	Livingston	Park	Republican
Cooney, E. H.	Great Falls	Cascade	Republican
Curran, Mrs. Lucy A.	Poplar	Roosevelt	Republican
Darlington, G. W.	Bozeman	Gallatin	Republican
Davis, G. T.	Carlyle	Wibaux	Republican
Dellwo, Dennis A.	Charlo	Lake	Democrat
Donaldson, Harry C.	Fort Benton	Thouteau	Republican
Doran, Tod	Butte	Silver Bow	Democrat
Dougherty, Ralph	Grantsdale	Ravalli	Republican
Dunn, Robert J.	Bozeman	Gallatin	Republican
Erickson, L. N.	Lavina	Golden Valley	Republican
Foot, E. B.	Kalispell	Flathead	Republican
Flachsenhar, W. R.	Ferry	Prairie	Republican
Fulsher, Dr. Fred R.	Saltese	Mineral	Democrat
Goodwin, Phil C.	Butte	Silver Bow	Democrat
Green, Andrew	Lewistown	Fergus	Republican
Green, H. R.	Lindsay	Dawson	Republican
Gustafson, Geo. W.	Chinook	Blaine	Republican
Hagerty, Dan F.	Browning	Glacier	Democrat
Hardcastle, Ernest A.	Butte	Silver Bow	Democrat
Harris, Orville	White Sul. Sprgs.	Meagher	Republican
Hodgskiss, J. E.	Choteau	Teton	Republican
Holton, Albert	Cohagen	Garfield	Republican
Jameson, W. J., Jr.	Billings	Yellowstone	Republican
Jameson, S. R.	Great Falls	Cascade	Democrat
Jensen, Elmer	Glasgow	Valley	Republican
Jones, Dudley	Dodson	Phillips	Republican
Jones, Harry C.	Hamilton	Ravalli	Republican
Jones, Hugh M.	Great Falls	Cascade	Republican
Kelly, Pat A.	Butte	Silver Bow	Democrat
Knight, J. B. C.	Anaconda	Deer Lodge	Republican
Knowles, S. H.	Boulder	Jefferson	Republican
Kroman, Chas. L.	Miles City	Custer	Republican
Lamb, Edwin M.	Butte	Silver Bow	Democrat
Larson, Robert	Dagmar	Sheridan	Farmer-L.
Leavens, Robert	Billings	Yellowstone	Republican
Leavitt, W. B.	Miles City	Custer	Republican
Lillis, B. C.	Billings	Yellowstone	Republican
Logan, E. U.	Billings	Yellowstone	Republican
Lowry, R. B.	Baker	Fallon	Democrat
McCleary, Frank	Red Lodge	Carbon	Democrat
McLeod, Ralph L.	Philipsburg	Granite	Republican
Marshall, M. R.	Missoula	Missoula	Republican
Mason, George	Helena	Lewis & Clark	Democrat
Merritt, Clarence	Roundup	Musselshell	Republican
Miller, N. O.	Roy	Fergus	Republican
Miller, Timothy	Libby	Lincoln	Democrat
Moss, G. M.	Whitefish	Flathead	Republican
Moulton, B. F.	Grass Range	Fergus	Republican
Mulholland, M. J.	Butte	Silver Bow	Democrat
Murphy, Charles F.	Anaconda	Deer Lodge	Democrat
Nagle, Raymond T.	Helena	Lewis & Clark	Democrat
Nelson, Ben	Malta	Phillips	Republican
Nelstead, T. E.	Ekalaka	Carter	Republican
Nicholson, Stuart H.	McLeod	Sweet Grass	Democrat
O'Day, R. S.	Great Falls	Cascade	Democrat
Plank, Leonard	Chester	Liberty	Democrat
Plumer, A. J.	Hysham	Treasure	Democrat
Prescott, C. R.	Missoula	Missoula	Democrat

HOUSE OF REPRESENTATIVES—Continued

NAME	Residence	County	Politics
Reed, Grant	Townsend	Broadwater	Republican
Rife, Frank	Armstead	Beaverhead	Democrat
Rockwood, J. E.	Kalispell	Flathead	Republican
Rognlien, I. D.	Kalispell	Flathead	Democrat
Rorvik, Elias	Watkins	McCone	Republican
Ryder, Arthur	Froid	Roosevelt	Republican
Sample, H. A.	Glendive	Dawson	Republican
Shields, Ed.	Great Falls	Cascade	Democrat
Sparling, James T.	Flaxville	Daniels	Farmer-L.
Stambaugh, Guy	Deer Lodge	Powell	Republican
Steeves, M. D.	Livingston	Park	Republican
Sutton, E. F.	Winnett	Petroleum	Republican
Thorburn, William B.	Harlowton	Wheatland	Republican
Throssel, Richard	Billings	Yellowstone	Republican
Tierney, Wm. P.	Paradise	Sanders	Democrat
Tinsley, Basil	Pony	Madison	Democrat
Troy, T. J.	Havre	Hill	Republican
Waite, W. T.	Broadus	Powder River	Republican
Warren, W. E.	Hardin	Big Horn	Republican
Westlake, A. E.	Bozeman	Gallatin	Democrat
White, Arthur	Savage	Richland	Republican
Willard, Asa Dr.	Missoula	Missoula	Republican
Woodcock, John W.	Fort Benton	Chouteau	Democrat

H. J. FAUST, Chief Clerk.

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SESSION LAWS

CHAPTER 1.

An Act to Amend Chapter Twenty, Session Laws of 1925 Providing for a Monthly Maintenance Allowance for Persons Receiving Vocational Rehabilitation and Training Under the Provisions of Section 3044 to 3051 Revised Codes of Montana of 1921 and Defining the Terms and Conditions of Such Allowance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 20 Session Laws of 1925, be, and the same is hereby amended to read as follows:

“Section 1. A disabled person receiving vocational training under the direction of the State Rehabilitation Bureau may, in addition to the benefits described in Section 3044 to 3051 inclusive of the Revised Codes of Montana of 1921, be granted a monthly maintenance allowance while in training. This allowance shall be for the purpose of assisting the person receiving such training to meet his actual living expenses and shall never, in the case of a single person without dependents exceed forty dollars (\$40.00) per month, nor in the case of a married person or a single person with one or more dependents exceed sixty dollars (\$60.00) per month; nor in any case shall the total payment for maintenance purposes exceed the sum of the maximum monthly allowance for a period of twelve months. Maintenance shall not be paid where:

Monthly
maintenance
allowance.

Single person.

Married person.

Time period.

(a) The person receiving such training is drawing sufficient compensation from the State Industrial Accident Board or from any other state, county, municipal or federal board or commission to cover his living expense.

Exceptions.

Sufficient
compensation.

(b) The person receiving such training is a minor and has parents who are able to support him while in training.

Minor.

Maintenance
from friends.

(c) The person receiving such training has relatives, friends, or a former employer able and willing to maintain him.

Self supporting.

(d) The person receiving such training is financially able to support himself, or has, or can obtain part time employment, without injury to his health or training, which will enable him to get along without outside assistance.

Correspondence
course.

(e) The person receiving such training is taking a correspondence course only.

College course.

(f) The person receiving such training is taking a college course in one of our institutions for higher education.

Affidavit.

(g) The person receiving such training and his parents or guardian (in the event such person is a minor) have not filed, with his application, an affidavit showing what property he or his parents own, and also showing that his relatives, friends or former employer are unwilling to maintain him.

Actually needed.

Section 2. Only as much of the maximum maintenance allowance as is actually needed shall be paid. The beneficiary's income and resources shall be ascertained and his allowance from the State adjusted accordingly. A person in an industrial establishment shall receive no maintenance from the Rehabilitation Bureau if his wages from the firm equal his living expenses. A fair and equitable adjustment will at all times be made in cases where a person receives a wage, salary or income which can and should be applied in defraying the cost of board, lodging and other necessary expenses while in training.

How payments
are made.

Section 3. That portion of the money appropriated for vocational rehabilitation purposes which is actually necessary may be drawn upon in making the payments described above; provided that no part of the funds appropriated to match the allowance received by the State from the Federal Board for Vocational Education may be so used. Payments will be made monthly by warrants issued by the State Auditor upon order of the State Agent for Civilian Rehabilitation."

Section 2. All Acts and parts of Acts in so far as the same conflict herewith are hereby repealed.

Approved Feb. 1, 1927.

CHAPTER 2.

An Act to Amend Section 180 of the Revised Codes of Montana of 1921 as Amended by Chapter 111, Acts of the 19th Legislative Assembly, Relating to the Interest on State Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 180, Revised Codes of Montana, 1921, as amended by Chapter 111, Acts of 19th Legislative Assembly, be, and the same is hereby amended to read as follows:

“Section 180. Registry and Interest on State Warrants. It is the duty of the State Treasurer on the presentation of State warrants, regularly issued, to pay the same out of any funds available for such payments, and in the event there are no funds available for such payment, he must register each warrant in a book or register to be kept for the purpose, entering the date of issue, date of registration, name in whose favor warrant is drawn, the number and amount thereof, and he shall endorse on each warrant so registered, on its face, “Presented for payment and not paid for want of funds and registered in this office this.....day of.....,” inserting the date of registration, and he shall affix his signature as such Treasurer thereto; and all warrants so registered and endorsed on and after March first, 1927, shall bear interest at the rate of four per cent per annum until called for payment, after date of which call interest shall cease; and all warrants shall be redeemed and paid in the order of their registration and in the manner set forth in Section 183 of this code.

Registration
of warrants.

Interest rate.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect on and after the first day of March, 1927.

Approved Feb. 1, 1927.

CHAPTER 3.

An Act to Amend Section 632 of the Revised Codes of Montana of 1921 as Amended by Chapter 118, Acts of the Nineteenth Legislative Assembly Relating to the Date of Holding Primary Elections.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 632 of the Revised Codes of Montana of 1921 as amended by Chapter 118, Acts of the Nineteenth Legislative Assembly be and the same is hereby amended to read as follows:

Time.	“Section 632. On the third Tuesday of July preceding any general election (not including special elections to fill vacancies, municipal elections in towns and cities, irrigation district and school elections) at which public officers in this state and in any district or county are to be elected, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for senator in Congress, and all other elective state, district and county officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen, at the ensuing election wholly by electors within this state, or any subdivision of this state, and also for choosing and electing county central committeemen by the several parties subject to the provisions of this law.”
Place.	
What purpose.	
What candidates.	
County central committeemen.	

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 1, 1927.

CHAPTER 4.

An Act to Amend Section 1520 of the Revised Codes of Montana of 1921, Relating to Admission of Patients to the Montana State Tuberculosis Sanitarium, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1520 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 1520. Admission of Patients to Sanitarium; Soldiers, Sailors and Marines. The Executive Board of said Sanitarium is hereby given power and authority to receive therein patients who have no ability to pay, but no person shall be admitted to the Sanitarium who has not been a citizen of this State for at least one year, excepting that a female who has been a resident of the State for at least five months preceding the date of the application may be admitted, though not a citizen. Every person desiring free treatment in said Sanitarium shall apply to the local authorities of his or her town, city or county, having charge of the relief of the poor, who shall thereupon issue a written request to the President of said Sanitarium for the admission and treatment of such person. Such request shall state in writing whether the person is able to pay for his or her care and treatment while at the Sanitarium, which request and statement shall be kept on file by the President in a book kept for that purpose in the order of their receipt by him. No person shall be admitted as a patient in said institution without certificate of an examining physician, certifying that such applicant is suffering from tuberculosis, or what is commonly called miner’s consumption, and, if upon the reception of a person at such Sanitarium, it is found by the authorities thereof that he or she is not suffering from tuberculosis or miner’s consumption, he or she shall be returned to the place of his or her residence, and the expenses of transportation to and from the Sanitarium shall be paid by the County of which he or she is a resident. Admissions to said Sanitarium shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided by the President

Soldiers
Sailors
Marines.

Citizen of
State one year.

Residence five
months.
Females five
months.

Request for
admittance.

Contents of
request.

Certificate of
physician.

Expenses of
rejections.

Order of
admission.

of said Sanitarium, in so far as such applicants are subsequently certified by the said examining physician to be suffering from tuberculosis or miner's consumption; provided, however, that where the next patient in order is a man and the only accommodations available in the Sanitarium are for women or children, then women or children shall be admitted in their proper order and vice versa. Every person who is declared, as herein provided, to be unable to pay for his or her care and treatment, shall be transported to and from the Sanitarium at the expense of said local authorities, and cared for, treated and maintained therein at the expense of the County or municipality which would otherwise be chargeable with the support of such poor or indigent persons, and the expense of transportation, treatment, maintenance and actual cost of articles of clothing furnished by the Sanitarium to such poor and indigent persons, shall be a county or town charge, as the case may be; provided, further, that any soldier, sailor or marine, who has served in the army or navy of the United States, and was at the time thereof a citizen or had established his residence in the State of Montana, who on discharge therefrom is found to be suffering from Tuberculosis, and whose admission to the Montana State Tuberculosis Sanitarium is requested by the proper Federal authorities, shall be entitled to be admitted thereto, and shall be classed for the purpose of admission on the same basis as free patients, and all such soldiers, sailors or marines shall be given priority for entrance thereto over other applicants in the order in which their applications for admittance are received and filed.

Proviso.

Expense

Proviso for Soldiers, Sailors or Marines.

Free patients.

Treasurer's duties.

The Treasurer of the Sanitarium shall collect and receive any sum or sums the Federal Government may allow or pay for such purpose, and shall pay the same over to the State Treasurer."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 2, 1927.

CHAPTER 5.

An Act to Amend Section 6003 of the Revised Codes of Montana of 1921, relating to the Making and Filing of Annual Statements of Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6003 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 6003. Annual Statement of Corporations. Every corporation, having a capital stock, except banks, trust companies, and building and loan associations, shall by March 1st of each year hereafter, file in the office of the County Clerk and Recorder of the county in which the principal place of business of such corporation is situated, (and a certified copy thereof in the office of the Secretary of State,) a report of the condition of said corporation on December 31st preceding, which shall state the amount of the authorized capital stock, the proportion thereof actually paid in, and the amount thereof actually paid in in cash, and the amount issued, if any in payment of property purchased, services rendered, or labor performed, and the amount of existing debts, and also the names and addresses of the directors or trustees, and of the president, vice-president, general manager (if any) and secretary and treasurer of the corporation. Such report shall be signed by the president or vice-president, and a majority of the directors, inclusive of the president or vice-president. The report shall be verified by the oath of the president, vice-president, secretary, or treasurer of such corporation. If the directors or trustees of any corporation shall fail to file such report, the directors of the corporation shall jointly and severally be liable for all debts or judgments of the corporation which may thereafter be in anywise incurred until such report shall be made and filed; provided, however, that if within twenty days of such failure a director or directors shall make and file, as aforesaid, an affidavit or affidavits stating that the failure was due to no fault or neglect of his or theirs, and stating also that, after the thirty-first day of December of the preceding year and before said March 1st he or they requested the president or a sufficient number of the other directors, whose residence was known to the affiants, to join them in

Annual statements.

When filed.

Place.

Copy to State Secretary.

What report to contain.

Who must sign.

Verification.

Director's liability.

Affidavit of excuse.

Effect of filing after time. Statement of cessation. Effect of failure.	making report, such director or directors shall not be liable under this section. If the required report be made and filed after the time herein specified, the directors shall not, on account of the prior failure to make report, be liable for the debts thereafter contracted. Where such corporation, on account of insolvency or for any other reason, has ceased to be a going concern, and has ceased voluntarily to incur financial obligations, the directors may include a statement to that effect in their report, giving the reasons for cessation of the corporate activities of such corporation, and after two annual reports containing such statement have been filed, the directors shall not be liable for a failure to file annual reports during the time of such cessation of corporation activities.”
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Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved Feb. 2, 1927.

CHAPTER 6.

An Act Amending Section 852 of the Revised Codes of Montana, 1921, Defining the University of Montana; and Amending Section 854 of the Revised Codes of Montana, 1921, Authorizing the State Board of Education to Grant Diplomas and to Confer Degrees on the Graduates of the Several Component Institutions of the University of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 852 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

“Section 852. The State University at Missoula, the College of Agriculture and Mechanic Arts at Bozeman, the School of Mines at Butte, the Normal College at Dillon, the Eastern Montana State Normal School at Billings and the Northern Agricultural and Manual Training School at Fort Assinniboine, and such departments of said institutions as may hereafter be organized, shall constitute the University of Montana, under the name and style of University of Montana.”

What
constitutes
university.

Section 2. That Section 854 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

“Section 854. The State Board of Education shall have power, upon the recommendation of the faculty of any of the said component institutions, to grant diplomas and to confer the customary degrees on the graduates of all departments of said University of Montana, and such degrees and diplomas shall run from the University of Montana, specifying substantially that the graduate has completed the course of study of the University of Montana at the State University in Missoula, at the College of Agriculture and Mechanic Arts in Bozeman, at the School of Mines in Butte, at the State Normal College in Dillon, at the Eastern Montana State Normal School at Billings, or at the Northern Montana Agricultural and Manual Training School at Fort Assiniboine, as the case may be.”

Diplomas.

Approved Feb. 4, 1927.

CHAPTER 7.

An Act to Amend Section 639 of the Revised Codes of Montana, 1921, Relating to the Primary Election, by Providing that to Entitle a Political Party to Nominate Candidates for Public Office under the Provisions of this Law, such Political Party must have cast Three Per Centum (3%) or more of the Total Votes cast for Representative in Congress at the next Preceding General Election and Providing a Method of making Nominations by said Political Party when the Required Number of Votes were not cast.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 639 of the Revised Codes of Montana, 1921, shall be, and the same is hereby amended to read as follows:

“Section 639. Political Party Nominations Made Exclusively as herein provided. Every political party which has cast three per centum (3%) or more of the total vote cast for Representative in Congress at the next preceding general election in the county, district or state for which nominations are proposed to be made,

Qualifications
of party to
nominate
candidates.

Who can use
party name.

Printing of
names.

Political party
not having
3% total
vote.

shall nominate its candidates for public office in such county, district or state, under the provisions of this law, and not in any other manner; and it shall not be allowed to nominate any candidate in the manner provided by section 612 of this Code. Every political party and its regularly nominated candidates, members, and officers, shall have the sole and exclusive right to the use of the party name and the whole thereof, and no candidate for office shall be permitted to use any word of the name of any other political party or organization than that of and by which he is nominated. No independent or non-partisan candidate shall be permitted to use any word of the name of any existing political party or organization in his candidacy. The names of candidates for public office nominated under the provisions of this law shall be printed on the official ballots for the ensuing election as the only candidates of the respective political parties for such public office in like manner as the names of the candidates nominated by other methods are required to be printed on such official ballots.

Any political party that did not cast three per centum (3%) or more of the total vote cast for Representative in Congress, as above, and any new political party about to be formed or organized, may make nominations for public office as provided in Section 612 of this Code.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 7, 1927.

CHAPTER 8.

An Act Authorizing the Filing of Notices of Liens for Taxes Payable to the United States of America and Certificates Discharging such Liens and to make Uniform the Laws Relating thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Filing of
notices.

Fee.

Section 1. Notices of liens for taxes payable to the United States of America and Certificates discharging such liens shall be filed in the office of the County Clerk of the county or counties in this state, within which the property subject to such lien is situated. No fee shall be charged for such filing.

Section 2. When a notice of such lien is filed, the County Clerk shall forthwith enter the same in an alphabetical Federal Tax Lien Index, showing on one line the name and residence of the tax-payer named in such notice, the Collector's serial number of such notice, the date and hour of filing, and the amount of tax with the interest and penalties; he shall file and keep all original notices so filed in numerical order in a file or files and designated, Federal Tax Lien Notices.

Tax lien
index.

Section 3. When a certificate of discharge of any tax lien issued by the Collector of Internal Revenue or other proper officer, is filed in the office of the County Clerk, where the original notice of lien is filed, said County Clerk shall enter the same with date of filing in said Federal Tax Lien Index, on the line where notice of the lien so discharged is entered, and permanently attach the original certificate of discharge to the original notice of lien.

Certificate of
discharge.

Section 4. Said Federal Tax Lien Index and file or files for said Federal Tax Lien Notices shall be furnished to the County Clerk of each County in this State, in the manner now provided by law for the furnishing of books in which deeds are recorded.

Furnishing
of files.

Section 5. This Act is passed for the purpose of authorizing the filing of notices of liens in accordance with the provisions of Section 3186 of the Revised Statutes of the United States, as amended by the Act of March 4, 1913, 37 statutes at large, page 1016, and any acts or parts of acts amendatory thereof.

Purpose of
act.

Section 6. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Section 7. This Act may be cited as the Uniform Federal Tax Lien Registration Act.

Section 8. Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Section 9. This Act shall take effect from and after its passage and approval.

Approved Feb. 7, 1927.

CHAPTER 9.

An Act Designating the Map Issued by the Board of Railroad Commissioners of the State of Montana as the Official Map of Montana, Providing for the Preservation of the State's Investment in the Stone Thereof, Providing for the Issuance of a 1927 Edition of Said Map, and Extending Authority to the Board of Railroad Commissioners to Make a Charge for Said Map to Defray the Expenses of Said Edition and Making an Appropriation Therefore to Carry out the Purposes of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Official map
of State.

Section 1. The map of the State of Montana issued by the Board of Railroad Commissioners of Montana shall be and the same hereby is designated as the official map of the State of Montana.

Plate in custody
of Railroad
Commissioners.

Section 2. The engraved stone plate from which the editions of said map are from time to time made, and in which the State of Montana now has an investment of more than Eight Thousand (\$8,000.00) Dollars shall be and remain in the custody of said Board of Railroad Commissioners, and shall be corrected from edition to edition by said Board by the inclusion thereon of all proper current map data in accordance with the basic plan of such map.

1927 Edition.

Section 3. The Board of Railroad Commissioners of the State of Montana shall, during the year 1927, cause to be issued in 1927 an edition of said map, containing all necessary corrections since the 1921 edition, and particularly including new counties, new governmental surveys, new inland towns, new railroad towns, new railroad stations and depots, new postoffices, new rail construction and new historical data to make said 1927 edition a complete, final and useful map when issued. Said Board of Railroad Commissioners shall distribute said maps free of charge to state, county and municipal officers for official use and to the public and high schools of the state. In all other cases, said Board of Railroad Commissioners shall collect a sum of money not in excess of fifty (50c) cents per map for all other maps distributed on request, and all receipts from such collections shall be deposited weekly with the State Treasurer of the State of Montana to the credit of the general fund of said state.

Free
distribution.

Price of map.

Section 4. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for said 1927 edition of said map the sum of Four Thousand (\$4,000.00) Dollars or so much thereof as may be necessary to be expended therefore on claims duly approved by said Board of Railroad Commissioners and Board of Examiners. Appropriation.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 7, 1927.

CHAPTER 10.

An Act to Amend Chapter 188 of the Laws of 1925 Relating to the Licensing of Dealers in Oleomargarine or Other Substitutes for Dairy Products, and Fixing the Fees for the Same and Providing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 188 of the laws of 1925 be and the same is hereby amended to read as follows: That it shall be unlawful for any person, firm or corporation, by himself, his or its servant or agent, to sell, exchange, offer for sale or have in possession with intent to sell or offer for sale or exchange, any oleomargarine, imitation or filled cheese, or any substitute for any dairy product made from milk or cream, without first securing a license from the State Department of Agriculture, Labor and Industry, to conduct such sale or exchange. The fee for such license shall be \$250.00 (two hundred fifty dollars) for a license to sell at wholesale and \$75.00 (seventy-five dollars) for a license to sell at retail. Said amount or amounts shall be paid at the beginning of each quarter of the calendar year, or at the time when application for license is made, and a license shall be issued to cover the following quarterly period or such part of it as remains at the time such license is issued. Such license shall be posted in a conspicuous place in each store or place of business for the inspection of the public and may be revoked by the Commissioner of Agriculture, Labor and Industry for failure of the holder thereof to comply with the laws of the State of Mon- License.
Fee.
When payable.
Posting.

Fee for separate license. tana. Whenever any person, firm or corporation, by himself, his or its servant or agent or as the agent or servant of another, conducts such sale or exchange in more than one place of business, a separate license shall be obtained for each place of business and a separate fee shall be paid for each such license.

Penalty. Any person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$100.00 (one hundred dollars) and no more than \$500.00 (five hundred dollars), or by imprisonment for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after April 1, 1927.

Approved Feb. 11, 1927.

CHAPTER 11.

An Act to Amend Section 10295, Revised Codes of Montana, 1921, Relating to Estates and Providing that an Executor, Administrator or Guardian may be Cited to Account After his Authority Ceases or is Revoked; that in Case of the Death of an Executor, Administrator or Guardian, his Accounts may be Presented by his Personal Representative to the Court for Settlement; and that upon the Petition of the Successor of such Deceased Executor, Administrator or Guardian, such Court may Compel the Personal Representative of such Deceased Executor, Administrator or Guardian, to Render an Account of the Administration of his Testator, Intestate or Ward.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10295 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Discharged executor may be cited to account.

“Section 10295. When the authority of an executor, administrator or guardian ceases, or is revoked for any reason, he may be cited to account before the court or

judge, at the instance of the person succeeding to the administration of the same estate, in like manner as he might have been cited by any person interested in the estate during the time he was executor, administrator or guardian. If an executor, administrator or guardian dies, his accounts may be presented by his personal representative to and settled by the court in which the estate of which he was executor, administrator or guardian is being administered, and upon the petition of the successor of such deceased executor, administrator or guardian, such court may compel the personal representative of such deceased executor, administrator or guardian to render an account of the administration of his testator, intestate or ward, and must settle such account as in other cases."

Personal representative in case of death.

Account.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 11, 1927.

CHAPTER 12.

An Act to Amend Section 10482, Revised Codes of Montana, 1921, Relating to a Mother's Pension, and Prescribing the Conditions to which the Allowance to the Mother for the Support of her Dependent Child or Children is Subject.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10482 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

"Section 10482. The allowance herein referred to shall be made subject to the following conditions: (1) The child or children for whose benefit allowance is made must be living with the mother of such child or children; (2) The allowance shall be made only when in the absence of such allowance the mother is unable to properly provide and care for said child or children, without being required to work regularly away from her own home and children, provided that the mother may be at

Living with mother.

Only when necessary.

Absent from home.	times absent for work with the consent of the judge of the District Court if he should deem it for the best interest of said child or children; (3) The mother must, in the judgment of the court, be a proper person physically, mentally and morally for the bringing up of her children; (4) Such allowance shall, in the judgment of the court, be actually necessary for the support and maintenance of the child or children in the home; (5) No person shall receive the benefit of this Act who is not a citizen of the United States or who has not declared her intention to become such citizen, and who shall not have been a resident of the county in which said application is made for at least one year prior to the making of such application for such allowance; (6) The provisions of this Act shall not apply in the case of any child who has property of its own sufficient for its support; (7) Application shall be made by the mother to the County Attorney, whose duty it shall be to prepare and file in the District Court of the county a petition, verified by the mother of such child or children, setting forth the facts above required, and in addition thereto the age and the residence of such child or children, the residence of the mother, and the financial conditions of such mother and child, or children; that upon the filing of such petition the court shall designate the Bureau of Child and Animal Protection of the State of Montana, the County Probation Officer, or some other responsible resident of the county wherein the mother resides, to make a thorough investigation of all the facts of the case and the court must make an order setting said petition for hearing before the court not less than fifteen days, nor more than thirty days from the filing thereof, and may in his discretion, require the Clerk of the Court to give notice of the hearing of such application by posting notice thereof in three conspicuous places in the county and by serving upon the Probation Officer of the county or such responsible resident of the county appointed by the court to make an investigation of the facts of the case a copy of said notice, together with a copy of said petition, and by mailing a copy of said notice to the Chairman of the Board of County Commissioners at least ten days before the date set for such hearing. That upon receiving said notice the Probation Officer of the county or such other responsible resident of the county appointed by the court to make an investigation of the facts of the case must make a thorough in-
Citizenship and residence.	
Self supporting child.	
Application.	
Investigation.	
Hearing on petition.	

vestigation of all the facts of the case and make and file with the court at least five days before the time set for such hearing, his findings and report thereon under oath, and must appear at the hearing of said application and testify in support of said findings and report if required. And it is hereby made the duty of the County Attorney to appear at such hearing and conduct an investigation thereat of all the facts in the case, and it is also made his duty to subpoena and examine at said hearing any witnesses known to him whose testimony will aid or enlighten the court upon the facts to be investigated at such hearing. Any person having any knowledge of the facts may appear at said hearing and be examined under oath as to such facts; and any taxpayer may appear at said hearing and file objection to the allowance of the application, and may be heard upon such objection at said hearing at the time fixed therefor in said notice, or at any time to which said hearing may be continued.

(8) Every person receiving an allowance under this Act shall every month file with the Clerk of the District Court a report in writing, upon blanks to be supplied by the county, verified under oath, showing a detailed statement of all income of the family from whatever source for the preceding month, whether or not she has remarried, whether any of the children for whom she is receiving an allowance for support have died, or are not living with her, or are not being supported by her; her present place of residence, and the present place of residence of the children for whom she is receiving an allowance, whether any of such children have attained the age of sixteen years or have acquired property sufficient for their support; provided, however, that if such person receiving an allowance under this Act, lives more than five miles from the county seat, then said report need not be verified, but shall be sufficient if signed by the person receiving the allowance, and two witnesses; (9) Upon the receipt of the report as required by the provisions of the preceding subsection, the Clerk of the District Court shall notify the Board of County Commissioners, who shall direct the monthly warrant to be drawn for the allowance and no warrant to be drawn until such notice has been received by the Board of County Commissioners. (10) It shall be the duty of the court to inspect the monthly report required by this Act, and when it shall appear from such report that the beneficiary is no longer entitled to the allowance,

County
Attorney to
conduct hearing.

Witnesses.

Objections.

Report of
income and
children.

Warrants.

Court to
inspect.

Taxpayer's
petition.

Citation.

said order of allowance shall be revoked and set aside by the court. (11) Any taxpayer of the county may at any time after the filing of the order of allowance, file in said court a petition verified upon oath, setting forth facts showing that the order was fraudulently procured or that the conditions of allowance above named no longer exist, or that said report by the mother as above required has not been made, or if made, is false and fraudulent. If, in the opinion of the court, such petition is sufficient, the court shall cause a citation to issue to the mother of said child or children, fixing a time and place when and where she shall show cause why the order of allowance attacked should not be set aside."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 11, 1927.

CHAPTER 13.

An Act Authorizing the Historical Society of Montana to Adopt and Use a Seal and Designating the Design of Said Seal.

Be it enacted by the Legislative Assembly of the State of Montana:

Official seal.

Section 1. That the Historical Society of Montana, be, and the same is hereby authorized to adopt and use an official seal for the purpose of authenticating the acts of said society and for all other purposes for which the use of a seal by said society may be deemed proper.

Design.

Section 2. The design of the seal of said Historical Society of Montana shall be substantially as follows: A central group representing a covered immigrant wagon drawn by two yoke of oxen, showing prairie in the foreground, mountains in the background, and directly beneath it the figures "1865." Said seal shall be two inches in diameter and surrounded by the words, "Historical Society of Montana. Seal."

Approved Feb. 11, 1927.

CHAPTER 14.

An Act to Amend Section 651 of the Revised Codes of Montana of 1921, as Amended by Chapter 133 of the Laws of the Eighteenth Legislative Assembly, Relating to the Arrangement, Printing and Voting of Ballots at Primary Elections.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 651 of the Revised Codes of Montana of 1921, as amended by Chapter 133 of the laws of the Eighteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

"Section 651. Ballots, How Arranged; Printed and Voted. At all primary elections there shall be a ballot made up of the several party tickets herein provided for, each of which shall be printed on a separate sheet of white paper, and all of which shall be the same size, and shall be securely fastened together at the top and folded, provided that there shall be as many separate tickets as there are parties entitled to participate in said primary election.

Ballot.

The names of all candidates shall be arranged alphabetically according to surnames, under the appropriate title of the respective officers, and under the proper party designation upon the party ticket, except as hereinafter provided. When three or more persons are candidates for nomination for the same office, it shall be the duty of the County Clerk in each of the Counties of the State to divide the ballot forms provided by the law for the county, into sets so as to provide a substantial rotation of the names of the respective candidates as follows: He shall divide the whole number of ballot forms for the county into sets equal in number to the greatest number of candidates for the nomination or election to any office, and he shall so arrange said sets that the names of the candidates shall, beginning with a form arranged in alphabetical order as provided herein, be rotated by removing one name from the top of the list for each nomination or office and placing said name or number at the bottom of the list for each successive set of ballot forms; provided, however, that no more than one of said sets shall be used in printing the ballots for use in any one precinct, and that all ballots furnished for use in any precinct shall be of one form and identical in every respect.

Arranged
names of
candidates.

Rotation.

Proviso.

Written in
names.

Election of
party ticket.

How printed.

Folding and
depositing
tickets.

If any elector write upon his ticket the name of any person who is a candidate for the same office upon some other ticket than that upon which his name is so written this ballot shall be counted for such person only as a candidate of the party upon whose ticket his name is written, and in no case shall be counted for such person as a candidate upon any other ticket. In case any person is nominated as provided in this Act, upon more than one ticket, he shall within ten (10) days after such election file with the Secretary of State, County Clerk or City Clerk, a written document indicating the party designation under which his name is to be printed on the official ballot for the general election, failing in which, his name shall be printed upon the party ticket for which his nominating petition shall have been first filed, and no candidate shall have his name printed on more than one ticket. The ballots with the endorsements shall be printed on white paper in substantially the forms of the Australian Ballot, used in general elections, except that the candidates of each party shall be printed on a separate ticket or sheet. After preparing his ballot the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and with official stamp thereon seen. The remaining tickets attached together shall be folded in like manner by the elector who shall thereupon, without leaving the polling place, vote the marked ballot forthwith, and deposit the remaining tickets in the separate ballot box to be marked and designated as the blank ballot box. Immediately after the canvass, the Judges of Election shall, without examination, destroy the tickets deposited in the blank ballot box."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 9, 1927.

CHAPTER 15.

An Act Amending Section 1912, of the Revised Codes of Montana of 1921 Reserving to the State a Preference Right to Purchase State General Fund Warrants and Prescribing the Duties of the State Board of Land Commissioners, State Auditor and State Treasurer Relating to the Purchase of Such Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1912 of the Revised Codes of Montana 1921 be, and same is hereby amended, to read as follows:

“Section 1912. The State of Montana does hereby reserve to itself a preference right, prior to the right of any person, company or corporation to purchase State General Fund Warrants hereafter issued with funds under the control of the State Board of Land Commissioners and subject to investment.

State
preference
right to buy.

Whenever the State Board of Land Commissioners has under its control any funds subject to investment which in its judgment it would be advantageous to have invested in State General Fund Warrants, and there are not sufficient funds in the State General Fund to pay warrants issued against such fund at the time the same are issued and presented for payment, it shall authorize and direct the State Treasurer to purchase State General Fund Warrants, designating the fund or funds to be so invested and fixing the amount or amounts. It shall also give notice to the State Auditor of the investment to be made by the Treasurer, designating the fund or funds to be invested and the amount or amounts. The Auditor shall thereupon cause to be attached to, or stamped, written, or printed upon each General Fund Warrant thereafter issued, until warrants totaling the amount or amounts so designated have been issued, a notice to the effect that the State will exercise its preference right to purchase such warrant. The State Treasurer shall thereafter when such warrant is presented to him, pay the same out of the proper fund as designated by the Board and the warrant so purchased shall be registered as other State Warrants and bear interest as provided by law.

Direction to
purchase.

Notice to
State Auditor.

Payment of
warrants.

When the designated amounts have been invested, the State Treasurer shall notify the Secretary of the State

Notice for
orders to be
issued.

Board of Land Commissioners, who shall thereupon issue orders upon the proper funds addressed to the State Auditor for warrants to be issued in favor of the Treasurer."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect from and after its passage and approval.

Approved Feb. 15, 1927.

CHAPTER 16.

An Act to Amend Sections 9442 and 9444 of the Revised Codes of the State of Montana of 1921, Relating to the Redemption of Real Property from Execution Sales; Providing who may be Redemptioners thereof, and Providing when the Judgment Debtor, or his Wife, or Redemptioner may Redeem.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9442 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

Who may
redeem

"Section 9442. Real Property Sold—How Redeemed—Who are Redemptioners. Property sold subject to redemption, as provided by the last section, or any part sold separately, may be redeemed in the manner hereinafter provided, by the following persons, or their successors in interest:

Debtor, his
wife, etc.

1. The judgment debtor, his wife, or his successor in interest, in the whole or any part of the property, and if the judgment debtor or successor be a corporation, then by a stockholder thereof;

Creditor.

2. A creditor having a lien by judgment, mortgage, or attachment on the property sold, or on some share or part thereof, subsequent to that on which the property is sold. If a corporation be such creditor, then any stockholder thereof may redeem. The persons mentioned in the second division of this section are, in this Chapter, termed "redemptioners."

Section 2. That Section 9444 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 9444. When Judgment Debtor or Redemptioner may Redeem—Corporation and Stockholders. If property be so redeemed by a redemptioner, another redemptioner may, within sixty (60) days after the last redemption, again redeem it from the last redemptioner on paying the sum on such last redemption, with interest thereon at the rate of one per cent (1%) per month in addition, and the amount of any assessment or taxes which the last redemptioner may have paid thereon after the redemption by him, with like interest on such amount, and, in addition, the amount of any liens held by the said last redemptioner prior to his own, with interest; but the judgment under which the property was so sold need not be so paid as a lien. The property may be again, and as often as any redemptioner is so disposed, redeemed from any previous redemptioner, within sixty (60) days after the last redemption, on paying the sum paid on the last previous redemption, with interest thereon at the rate of one per cent (1%) per month, and the amount of any assessment or taxes which the last previous redemptioner paid after the redemption by him, with like interest thereon, and the amount of any liens, other than the judgment under which the property was sold, held by the last redemptioner previous to his own, with like interest. Written notice of redemption must be given to the sheriff, and a duplicate filed with the county clerk, and if any taxes or assessments are paid by the redemptioner, or if he has or acquired any liens other than that upon which the redemption was made, notice thereof must in like manner be given to the sheriff and filed with the county clerk; and if such notice be not filed, the property may be redeemed without paying such tax, assessments, or lien. If no redemption be made within one year after the sale, the purchaser, or his assignee, is entitled to a conveyance; or, if so redeemed, whenever sixty days have elapsed, and no other redemption has been made, and notice thereof given, and the time for redemption has expired, the last redemptioner, or his assignee, is entitled to a sheriff's deed; but in all cases, the judgment debtor shall have the entire period of one year from the date of the sale to redeem the property. If the

How
redemption is
made.

Notice of
redemption.

Purchaser
entitled to
conveyance
when.

Redemption by
debtor.

judgment debtor or his wife redeem, he or she must make the same payments as are required to effect a redemption by a redemptioner. If the debtor redeem, the effect of the sale is terminated, and he is restored to his estate. If the wife redeem, she shall become the owner of her husband's interest, subject to any liens thereon at the time of the execution sale. Upon a redemption by a debtor, or his wife, the person to whom the payment was made must execute and deliver to him or her a certificate of redemption, acknowledged or proved before an officer authorized to take acknowledgments of conveyances of real property. Such certificate must be filed and recorded in the office of the county clerk of the county in which the property is situated, and the county clerk must note the record thereof in the margin of the record of the certificate of sale.

Certificate of
redemption.

Redemption by
stockholder of
a corporation.

If a stockholder of a corporation redeems, the corporation, within one (1) year after the date of sale, may redeem by paying to the redemptioner, or the sheriff for his benefit, the amount paid to effect the redemption, with interest thereon at the rate of one per cent (1%) per month from the date of redemption until the date of such payment, together with any taxes or assessments that may have been paid by the redemptioner, with like interest thereon. When a stockholder redeems, any other stockholder or stockholders may, at any time after such redemption, and within sixty (60) days after the expiration of one (1) year from the date of sale, contribute to the redemption by paying to the redeeming stockholder, or depositing with the sheriff for his benefit, a sum which bears the same proportion to the amount necessary to redeem which the number of shares owned by such contributing stockholder or stockholders bears to the number of shares of such corporation outstanding, with interest on such sum from the date of redemption until the date of contribution at the rate of one per cent (1%) per month, together with a like proportion of the taxes or assessments paid by such redeeming stockholder, with like interest thereon, and if the corporation does not redeem the property within the time and in the manner and form as aforesaid, the said redeeming and contributing stockholders shall be entitled to receive a sheriff's deed for such property so redeemed, and shall succeed to the said property as tenants in common in such proportions, respectively, as they shall respectively pay or

How
redemption is
made.

contribute to such redemption as aforesaid. The redeeming or contributing stockholder shall, in all cases when applying to redeem or contribute as aforesaid, present an affidavit, setting forth the number of shares of stock owned by him, and to the best of his knowledge, the number of shares of stock of the corporation outstanding.

If the wife of a judgment debtor redeem, the husband, within one year after the date of sale, may redeem by paying the wife or her successors in interest or the sheriff for her or their benefit, the amount paid to effect the redemption, with interest thereon at the rate of one per cent (1%) per month from the date of redemption until the date of such payment, together with any taxes or assessments that may have been paid by the wife or her successors in interest, with like interest thereon.

Debtor
redeeming
from wife.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 15, 1927.

CHAPTER 17.

An Act Providing a Method by which a Refund or Drawback may be Obtained of License Taxes Paid on Gasoline Handled, and Prescribing the Procedure for Obtaining Refunds or Drawbacks; Prescribing the Powers and Duties of the State Treasurer and the State Board of Equalization in Connection Therewith; Providing for Penalties for Making False Statements in Connection with Applications for a Refund or Drawback.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That any person who shall purchase and use any gasoline, with reference to which there has been paid, under the laws of this state licensing dealers in gasoline, a tax at the rate of three cents (3c) per gallon, for the purpose of operating or propelling stationary gas engines, tractors used for agricultural purposes other than on the public highways or streets of this state, motor boats, aeroplanes or air craft, or for cleaning or dyeing, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this state,

Refund for
gas used not
on highways
and streets.

shall be allowed and paid as a refund or drawback an amount of money equal to three cents (3c) multiplied by the number of gallons of gasoline so purchased and used, upon presenting to the State Board of Equalization within the time allowed by law, a sworn statement, accompanied by the original invoices showing such purchase and use, which statement shall set forth the total amount of such gasoline so purchased and used by such consumer other than for propelling vehicles operated upon any of the public highways or streets of this state, and which statement shall contain such additional information as may be required by the State Board of Equalization on forms to be furnished by said Board. All such applications for refunds or drawbacks shall be filed with the State Board of Equalization within ninety (90) days after the date on which such gasoline was purchased as shown by such invoices. The State Board of Equalization shall have sixty (60) days thereafter within which to make such investigation as it may desire, to ascertain the truths of the statements made. If the statement is found to be correct by said State Board of Equalization, said refund or drawback shall be paid out of the State Highway Fund in the same manner as other claims against said fund. Should the State Board of Equalization, after investigation, find that the statement so made by said consumer is false and erroneous in any part, it shall so report to the State Treasurer and shall at the same time make and file with the State Treasurer a correct statement of the amount of gasoline so used by such purchaser, and the State Treasurer shall then so pay to such purchaser the amount found by the State Board of Equalization to be due him.

Sworn
statement.

Information
necessary.

When filed.

Refund.

Investigation.

Penalty for
false
statement.

Section 2. Any person who shall make any false statement in connection with the application for such refund or who shall collect or cause to be repaid to him, or to any other person, any such refund without being entitled to the same under the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed the sum of One Thousand Dollars (\$1000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 15, 1927.

CHAPTER 18.

An Act Dividing the State into Districts, Defining the Boundaries of such Districts and the Percentum of Incompleted Mileage of the Federal Highway System in Each District, and Prescribing the Manner and Place in which the Moneys of the State Highway Fund shall be Expended by the State Highway Commission for Road Construction Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That for the purpose of apportioning the expenditure for highway construction purposes of the moneys of the State Highway Fund, including proceeds received from the license tax upon dealers in gasoline and motor fuels provided for by law, the state is hereby divided into the following twelve districts and the counties in each district are as follows:

District No. 1. Lincoln, Flathead and Lake;

District No. 2. Glacier, Toole, Liberty, Hill and Blaine;

District No. 3. Phillips, Valley, Daniels, Sheridan and Roosevelt;

District No. 4. McCone, Richland, Dawson, Prairie and Wibaux;

District No. 5. Fergus, Garfield and Petroleum;

District No. 6. Pondera, Teton, Chouteau, Cascade and Judith Basin;

District No. 7. Lewis and Clark, Jefferson and Broadwater;

District No. 8. Sanders, Mineral, Missoula, Ravalli, Granite and Powell;

District No. 9. Beaverhead, Deer Lodge, Silver Bow and Madison;

District No. 10. Park, Gallatin, Sweet Grass, Meagher and Wheatland;

District No. 11. Golden Valley, Musselshell, Stillwater, Yellowstone, Carbon, Big Horn and Treasure;

District No. 12. Rosebud, Custer, Fallon, Powder River and Carter.

12 districts
for distribution
of State
Highway Fund.

Gasoline and
fuel tax use.

Federal
Highway Act.

Administration
and engineering
limit.

Matching
Federal aid.

Proportion of
mileage
constructed.

Section 2. All moneys of the state highway fund, including moneys arising from the license tax upon dealers in gasoline and motor fuels, but excluding moneys being held in such fund for refund or drawback purposes and expense of collection and enforcement, shall be used and expended by the State Highway Commission in the construction, reconstruction, betterment, maintenance, administration and engineering on the Federal Highway system of highways in this State selected and designated under the provisions of the Federal Aid Act, approved July 11, 1916, and the Federal Highway Act approved November 9, 1921, and all amendments thereto, and for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering of highways leading from each county seat in the state to said Federal Highway system of Federal aid roads where such county seat is not on said system, and for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering of such other roads as have been or may be authorized by the laws of Montana. Provided, that the total net costs to the state for administration and engineering on the Federal Aid work contemplated by this Act shall not exceed for any fiscal year eight per cent (8%) of the total of state, Federal Aid and other available funds expended under the supervision of the State Highway Commission. It shall be the duty of the State Highway Commission, in expending such money, to carry forward construction from year to year, using the money expended through the matching up of Federal Aid allotments to Montana upon the said Federal Highway system of highways in the various parts of the state in proportion to the amount of mileage still to be constructed in the various sections of that system as defined in Section One of this Act; provided that nothing in this Act shall be construed to conflict with said Federal Aid Highway Acts and the rules by which they are administered.

Section 3. The total uncompleted mileage in each of said districts bears the following percentages respectively to the total uncompleted mileage of said Federal Highway system in this state:

Percentages
uncompleted
mileage in
districts.

In District No. 1, 8.07 per cent; in District No. 2, 5.65 per cent; in District No. 3, 7.68 per cent; in District No. 4, 6.38 per cent; in District No. 5, 7.07 per cent; in

District No. 6, 8.36 per cent; in District No. 7, 11.44 per cent; in District No. 8, 10.08 per cent; in District No. 9, 8.18 per cent; in District No. 10, 7.77 per cent; in District No. 11, 8.63 per cent; in District No. 12, 10.69 per cent.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 15, 1927.

CHAPTER 19.

An Act Requiring all Persons, Co-partnerships, Firms, Associations, Joint Stock Companies, Syndicates and Corporations Engaged in, or Carrying on, the Business in this State of Selling, Handling, or Using Gasoline, to Pay to the State Treasurer Certain License Taxes for Engaging in, and Carrying on Such Business in this State; Fixing the Amount of Such License Taxes; Providing a Method for the Assessment, Collection and Disposition Thereof; and Prescribing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. As used in this Act, the following definitions shall apply:

(1) The word "gasoline" means:

(a) The volatile substance produced from petroleum, natural gas, oil shales or coal heretofore sold under the name of "gasoline," and sold or used for producing motor power for internal combustion engines or for producing power for propelling motor vehicles.

Definitions
of Gasoline.

(b) Any other volatile product or substance of not less than forty-six (46) degress Taglianbes Baume test sold or used for producing motor power for internal combustion engines or for producing power for propelling motor vehicles.

(2) The word "person" means any person, firm, association, joint stock company, syndicate, or corporation.

Person.

(3) The words "motor vehicle" mean all vehicles operated or propelled upon the public highways or streets

Motor vehicle.

of this state, in whole or in part by the combustion of gasoline.

Use.

(4) The word "use" shall include and mean the operation of motor vehicles upon the public roads or highways of the state of Montana, or of any political subdivision thereof.

Import.

(5) The word "import" shall include and mean to receive into any person's possession or custody first after its arrival and coming to rest at destination within the State of Montana of any gasoline shipped or transported into this state from point of origin without this state.

Handle.

(6) The word "handle" means to produce, refine, manufacture, compound or import gasoline, or to purchase gasoline for one's own use, upon which the license tax herein imposed has not been paid.

Dealer.

(7) The word "dealer" means and includes any person who engages in the business in the State of Montana of producing, refining, manufacturing or compounding or of purchasing in this state, or of importing into this state, gasoline for sale or use in this state. Such gasoline, for the purpose of this Act, shall be deemed to be "handled" by such dealer.

License tax.

Section 2. Every dealer shall pay to the State Treasurer a license tax for engaging in and carrying on such business in this state in an amount equal to three cents (3c) for each gallon of gasoline handled by him in this state while engaging in such business, as hereinbefore defined; provided that all gasoline delivered or distributed by any dealer to any of his service stations in this state, or to his or to any other motor vehicles operated or intended to be operated on or over the public roads or highways in this state, or delivered or distributed in any other manner, shall be deemed to have been handled while engaged in such business as dealer, as hereinbefore defined, and shall be treated and considered in computing such license tax in the same manner as though the same had been delivered or distributed to dealers or other persons; provided, further, that nothing herein contained shall impose any license tax, or require the payment of more than three cents (3c) per gallon as license tax upon any gasoline handled within the State of Montana, nor upon any such gasoline after having once been included in

Proviso.

Proviso.

the computing of such license tax hereunder; and provided, further, that no such license tax shall be paid by any dealer on account of any gasoline moving in or on account of sales of gasoline constituting interstate or foreign commerce.

Proviso.

Section 3. Each dealer shall, not later than the 15th day of each calendar month, beginning with the next calendar month after this Act has become effective, render a true statement to the State Treasurer of the State of Montana, and a duplicate thereof to the State Board of Equalization, duly signed and sworn to, of all gasoline handled by him in this state during the preceding calendar month, and containing such other information as the State Board of Equalization may require, and shall accompany such statement with the payment to the State Treasurer of a license tax, in an amount equal to three cents (3c) per gallon for each gallon of gasoline so handled, and not paid by any other dealer in this state, for engaging in and carrying on such business in this state. Any dealer engaged in or carrying on his business at more than one place or location in this state may include all such places of business in one statement.

Statement of dealer.

Payment of tax.

Section 4. The State Board of Equalization shall have the power, and it shall be its duty from time to time to adopt, publish and enforce such rules and regulations not inconsistent herewith as it may deem requisite for the purpose of carrying out the provisions of this Act.

Board of Equalization.

Section 5. Any such license tax not paid within the time herein provided for shall be delinquent and a penalty of ten per cent (10%) thereof shall be added thereto and the whole thereof shall bear interest at the rate of one per cent (1%) per month from the date of delinquency until paid.

Delinquent penalty.

Section 6. Each dealer shall keep a record in such form as the State Board of Equalization shall require, showing the total number of gallons handled by such dealer within this state, and such other information as the State Board of Equalization may require.

Dealer's records.

Section 7. Each dealer, who fails, neglects, or refuses to make and file the statements required by this Act in the manner or within the time herein provided, or who shall make any false statement with reference to his said business of handling gasoline, shall be deemed guilty of

Penalty.

having committed a misdemeanor and upon conviction thereof shall be fined in any amount not exceeding One Thousand Dollars (\$1,000.00) or imprisonment in the County jail for not to exceed six months, or shall be punished by the imposition of both such fine and imprisonment.

Board to
fix tax

Section 8. If any dealer or other person subject to the payment of such license tax shall fail, neglect, or refuse to make any statement required by this Act, or shall fail to make payment of such license tax within the time herein provided, the State Board of Equalization shall, immediately after such time has expired, proceed to inform itself as best it may regarding the matters and things required to be set forth in such statement and from such information as it may be able to obtain, to make a statement showing such matters and things and determine and fix the amount of the license tax due the state from such delinquent dealer, and shall add thereto a penalty of five per cent (5%) thereof for the first failure, neglect or refusal; ten per cent (10%) for the second; fifteen per cent (15%) for the third; and twenty-five per cent (25%) for the fourth, and each subsequent failure, neglect and refusal, which shall be in addition to the ten per cent penalty hereinbefore provided for non-payment of such license tax within the time herein provided. Said license tax and the penalties added thereto shall bear interest at the rate of one per cent (1%) per month from the date such statements should have been made and said license tax paid. The State Treasurer of the State of Montana shall then proceed to collect such license tax with penalties and interest. Upon the request of the State Treasurer it shall be the duty of the Attorney General to commence and prosecute to final determination in any court of competent jurisdiction an action at law to collect such license tax. All license taxes due from any dealer under the provisions of this Act, together with all penalties and interest thereon, shall be a lien upon any and all property of such dealer or other person upon the filing of a duplicate copy of the statement so made by the State Board of Equalization, or a certified copy of any statement filed with said Board, in the office of the County Clerk of the county where such property is situated, which lien shall have precedence over any other claim, lien or demand thereafter filed or recorded and which may be enforced in the name of the State of Montana in the same

5% penalty.

Other penalties.

Interest on
penalties.

Attorney
General to
prosecute.

Penalty a
lien.

manner as other liens are enforced at law. No action shall be maintained to enjoin the collection of such license tax or any part thereof.

Section 9. The books and records of every dealer shall be open and subject to inspection by the State Board of Equalization or any of its employes or assistants during business hours so far as may be necessary to ascertain the amount of license tax due.

Inspection of records.

Section 10. Each dealer in this state handling any gasoline as defined in this Act, shall, at the time of such handling, make out and deliver to the purchaser or consignee thereof an invoice in which shall be stated the number of gallons of gasoline covered by such invoice and that the license tax on same has been paid or will be paid to the Treasurer of the State of Montana within fifteen (15) days after the current month, as provided in this Act.

Invoices of dealers.

Section 11. No gasoline exported out of the State of Montana shall be included in the computation of any dealer's license tax herein provided for.

Exports

Section 12. Each railway company or other common carrier hauling, transporting, or shipping into or out of the State of Montana from or to any other state or foreign country any gasoline shall, on or before the 15th day of each calendar month, make and file with the State Treasurer of the State of Montana, a statement under oath showing the number of gallons of gasoline contained in each such shipment for the preceding calendar month, the names and addresses of the consignor and consignee, with date of delivery to such consignee, and shall make and file a duplicate of such statement with the State Board of Equalization.

Railroad reports.

Section 13. All money received by the State Treasurer in payment of license taxes under the provisions of this Act, shall be deposited by him in, and credited to, the State Highway Fund. All money so collected and deposited in the State Highway Fund shall be used and expended by the State Highway Commission in the construction, reconstruction, betterment, maintenance, administration and engineering on the Federal Highway system of highways in this state selected and designated under the provisions of the Federal Aid Act, approved July 11, 1916, and the Federal Highway Act approved

Highway fund.

Purpose of tax.

November 9, 1921, and all amendments thereto, and for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering of highways leading from each county seat in the State to said Federal Highway system of Federal Aid roads where such county seat is not on said system, and for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering of such other roads as have been or may be authorized by the laws of Montana, for the collection and enforcement of this Act, and for the purpose of payment of refunds and drawbacks authorized by law to be made to purchasers of gasoline used in this state for other purposes than the propulsion of motor vehicles over the public highways and streets of this state; provided, that the total cost to the State for administration and engineering on the Federal Aid work contemplated by this Act shall not exceed for any fiscal year eight per cent (8%) of the total of State, Federal Aid and other available funds expended under the supervision of the State Highway Commission.

Saving clause.

Section 14. If any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Act. The Legislative Assembly of the State of Montana hereby declares that it would have passed this Act irrespective of the fact that any one or more sections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Penalties.

Section 15. Any person engaged in the business of handling gasoline as defined in this Act, after the license tax imposed by this Act, or any part thereof, has been delinquent as provided by this Act, or the same has not been paid under protest, shall, in addition to the penalties hereinbefore provided, be deemed guilty of a misdemeanor for each offense, and shall upon conviction thereof, be punished by a fine in any sum not more than Five Hundred Dollars (\$500.00) or imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment.

Section 16. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 15, 1927.

CHAPTER 20.

An Act to Amend Section 5039 of the Revised Codes of Montana of 1921, as Amended by Chapter 115 of the Session Laws of the Nineteenth Legislative Assembly, Relating to Powers of City Councils by Adding Thereto a New Subsection to be Known as Subsection 84, Giving the City or Town Council Power to Acquire Lands by Purchase, Gift or Condemnation, Either within or without the Corporate Limits of the Municipality, for Landing Fields for Aircraft, and Conferring Municipal Jurisdiction over the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5039 of the Revised Codes of Montana of 1921, as amended by Chapter 115 of the Session Laws of the Nineteenth Legislative Assembly, be and the same is hereby amended to read as follows:

"Section 5039. Powers of City Councils. The city or town council has power:

Powers of
city councils.

1. To make and pass all by-laws, ordinances, orders, and resolutions, not repugnant to the constitution of the United States or of the State of Montana, or of the provisions of this title, necessary for the government or management of the affairs of a city or town, for the execution of the powers vested in the body corporate, and for carrying into effect the provisions of this title.

By-laws, etc.

2. To levy and collect taxes for general and special purposes on all property within the town or city subject to taxation under the laws of the state.

Taxes.

3. To license all industries, pursuits, professions, and occupations, and to impose penalties for failure to comply with such license requirements.

Licenses.

4. To fix the amount, terms and manner of issuing and revoking licenses; but the council may refuse to issue licenses when it may deem it best for the public interests.

Licenses.

5. To build or hire all necessary buildings for the use of the city or town, and to heat and light the same.

Hire buildings.

6. To lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, parks, and public grounds and vacate the same.

Streets.

Lighting and
cleaning.

7. To provide for lighting and cleaning the streets, alleys, and avenues; to regulate the use of sidewalks, and to require the owners of the premises adjoining to keep the same free from snow or other obstruction; to regulate the disposition and removal of ashes, garbage, or other offensive matter in any street, alley, or on public grounds or on any premises, and to provide for levying the cost of such removal as a special tax against the property from which such matter was deposited.

Crossings
obstructions.

8. To provide for and regulate street crossings, curbs, and gutters; to regulate and prevent the use or obstruction of streets, sidewalks, and public grounds by signs, poles, wires, posting handbills or advertisements, or any obstruction.

Traffic.

9. To regulate and prohibit traffic and sales upon the streets, sidewalks, and public grounds.

Fast driving.

10. To regulate or prohibit the fast driving of horses, animals, or vehicles within the city or town.

Railroads.

11. To regulate and control the laying of railroad tracks, and prohibit the use of engines and locomotives propelled by steam or otherwise, or to regulate the speed thereof when used.

Lighting
railroad tracks.

12. To require the lighting of any railroad track or route within a city or town, the cars of which are propelled by steam or otherwise, and fix and determine the number, style, and size of lamp posts, burners, lamps, and all other fixtures and apparatus necessary for such lighting, and the points of location of the lamp posts, and to require the construction of crossings on the line of any railroad track or route within the city or town, the cars of which are propelled by steam or otherwise, where the said track intersects or crosses any street, alley, or public highway, or runs along the same, and to fix and determine the size and kind of such crossing and the grades thereof; and, in case the owner of such railroads fails to comply with such requirements, the council may cause the same to be done, and it may assess the expense thereof against such owner, and the same constitutes a lien on any property belonging to such owner within such city or town, and may be collected as other taxes.

13. To license and authorize the construction and operation of street railroads, and require them to conform to the grade of the street as the same are or may be established.

Street railroads

14. To regulate the numbering of houses and lots, and to change the same.

Lot marking.

15. To provide for the cleaning of waters, water-courses, and streams within the city, or to alter, straighten, or widen the same, and the draining and filling in of ponds, wells, or shafts on private property, when necessary to the public health or public welfare.

Water.

16. To license, tax, and regulate auctioneers, peddlers, pawnbrokers, second-hand and junk shops, drivers, porters, pool halls and soft drink parlors, billiard tables, tenpin alleys, shooting galleries, shows, circuses, street parades, theatrical performances, and places of amusements within the city or town; provided, that the power to license, tax, and regulate circuses and shows of like character shall extend three miles beyond the limits of the city or town.

Auctioneers and special privileges.

17. To require the owners and keepers of pawn, second-hand, and junk shops to keep a record of all articles purchased or pawned to them, which record, and the articles purchased or pawned, are subject to the inspection of all police officers of the city or town.

Shops.

18. To prevent the keepers of pawn, second-hand, and junk shops from the purchasing of any article from a minor, without the written consent of the parent or guardian of such minor.

Purchasing from minors.

19. To regulate or prohibit dance houses within the city or town limits, and within three miles thereof.

Dances.

20. To suppress and punish all fraudulent devices and practices for the purpose of obtaining money or property, and to prohibit the same or exhibition of immoral publications, prints, pictures or illustrations.

Fraud exhibitions.

21. To establish markets and market houses, and provide for the supervision and use thereof.

Markets.

22. To provide for and regulate the inspection of beef, pork, flour, meal, and all provisions, oils; to regulate the inspection of milk, water, butter, lard, and other provisions; to regulate the vending of meat, poultry, fish, game, and vegetables; to restrain and punish the forestalling of provisions.

Inspections.

23. To regulate the inspection, weighing, and measuring of wood, coal, stone, corn, or other grain, and hay, within the city or town.

24. To regulate the construction, use, and repair of vaults, cisterns, hydrants, pumps, sewers, and gutters.

Nuisance.

25. To prevent and punish intoxication, fights, riots, loud noises, disorderly conduct, obscenity, and acts or conduct calculated to disturb the public peace, or which are offensive to public morals, within the city or town, and within three miles of the limits thereof.

Fire.

26. For the purpose of guarding against fire, to prescribe the limits within which wooden or combustible buildings must not be erected, placed, or repaired, and to establish fire limits within the city or town.

27. To establish a fire department, and prescribe and regulate its duties; to maintain a fire alarm and police telegraph.

28. To erect engine, hose, and hook-and-ladder houses, and provide engines and other implements for the extinguishment of fire.

29. To inspect chimneys, flues, fireplaces, stove pipes, ruins, structures, and boilers, and, when dangerous, to require the same to be removed or put in order, and prohibit the use thereof until safe.

Explosives.

30. To regulate and prevent the storage or handling of gunpowder, giant powder, nitroglycerine, or other inflammable explosives or materials, tar, pitch, kerosene, oils, and turpentine, and to prohibit the storage of the same within three miles of the city limits.

31. To regulate or prohibit the building of bonfires, the explosion, use or selling of fireworks, firecrackers, torpedoes, or other pyrotechnics or toy pistols or guns within the city or town.

Animals.

32. To prohibit and punish cruelty to animals.

Nuisance.

33. To define and abate nuisances, and to impose fines upon persons guilty of creating, continuing, or suffering a nuisance to exist on the premises which they occupy or control.

Vagrancy.

34. To define vagrancy, and to restrain and punish vagrants, mendicants, and persons guilty of disorderly conduct.

35. To establish and maintain a jail for the confinement of persons convicted of violating the ordinances of the city or town; to make rules for the government of the same, and to cause the prisoners to work on streets or elsewhere within three miles of the city.

Jail.

36. To regulate, restrain, or prohibit the running at large of horses, cattle, swine, sheep, goats, and dogs, or other animals, and to authorize the impounding and sale thereof, if found at large contrary to ordinances.

Animals at large.

37. To license the keeping of dogs, and to provide for the killing or destruction thereof, if found running at large without license.

Dogs.

38. To prevent the incumbering of streets, sidewalks, alleys, or public grounds with carriages, wagons, lumber, firewood, or other obstacles or materials.

Obstacles.

39. To prevent the riding or driving of animals, or the drawing or riding of vehicles of any kind on the sidewalks of the city, or the doing damage in any way to the sidewalks.

Vehicles on walks.

40. To prevent horse racing, or immoderate driving or riding in the streets of the city or town, and to regulate and provide for the hitching of all animals on the streets.

41. To regulate or prohibit coasting, skating, sliding, or tobogganning on the streets or alleys, or the indulgence in other amusements dangerous or annoying to the inhabitants, or having a tendency to frighten animals.

Coasting.

42. To regulate the location of slaughter houses, breweries, distilleries, livery stables, foundries, blacksmith shops, planing mills, soap factories, and tanneries within the city or town, and to prohibit any offensive and unwholesome establishments within the city or town limits, or within three miles thereof.

Regulate business.

43. To regulate or suppress the erection of poles and the stringing of wires, rods, or cables, in the streets, alleys, or within the limits of any city or town.

Poles, etc.

44. To provide for a board of health, and to prescribe its powers and duties, and when such board of health is provided, for the same to have jurisdiction within the city or town limits, and within three miles thereof.

Board of health.

45. To establish at a suitable place, within or without the limits of the city or town, in case of necessity, a hospital to prevent the spread of smallpox, or other

Hospital.

contagious or infectious diseases, and to regulate the control thereof, and do all other acts which may be necessary for the promotion of health, and to prevent the spread of infectious or contagious diseases within the city or town.

Cemeteries.

46. To establish and regulate cemeteries, within or without the city or town, and acquire lands for this purpose, and prohibit the establishment of cemeteries within three miles of the city or town.

Employees.

47. To fix compensation, and to prescribe the duties of all officers and other employees of the city or town, subject to the limitations mentioned in this title.

Penalties.

48. To impose fines and penalties for the violation of any city ordinance, but no fine or penalty must exceed three hundred dollars, and no imprisonment must exceed ninety days for any one offense.

Poll tax.

49. To levy and collect annually from each able-bodied male resident of the city or town, between the ages of twenty-one and forty-five years, a poll-tax not exceeding three dollars per capita; and in case of failure or refusal of any person within the prescribed age to pay said tax, to provide by ordinance that the person failing or refusing must work one day on the public streets of the city.

50. To regulate partition fences and party walls not already constructed.

Buildings.

51. To prescribe the thickness, strength, and manner of constructing stone, brick, and other buildings, and to order the construction of fire escapes thereon.

52. To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the board of county commissioners.

Work house.

53. To erect and organize a workhouse in or near a city or town; and any person who fails or neglects to pay any fine or costs imposed on him by any ordinance may be committed to the workhouse until such fine is paid.

Vehicles.

54. To license and regulate automobiles, trucks, hackney carriages, carts, omnibuses, wagons, and drays, and to fix the rate to be charged for the carriage of persons and property within the city or town, and to the public works and property without the limits of the city or town.

55. To regulate, restrain, or prevent the carrying on of manufactories dangerous in causing or producing fires, and to prevent and suppress the sale of firearms, and carrying of concealed weapons.

56. To establish standard weights and measures to be used in the city or town, and to provide for a sealer of standard weights and measures, who had jurisdiction within the city or town.

Weights and
measures.

57. To provide for the inspection and measuring of lumber and other building materials.

58. To make regulations authorizing the police of the city or town to make arrests of persons charged with crime, within the limits of the city or town and within five miles thereof, and along the line of water supply of the city or town.

Water.

59. To provide for the planting of trees and the protection of the same.

Trees.

60. To require from an officer at any time a report in detail of the transactions in his office, or any matter connected therewith.

Reports.

61. To regulate the sales of poisons, and to punish any person for selling or using opium, or any preparation thereof, or having the same or any implement to be used in smoking it in his possession, or for keeping, maintaining, visiting, or contributing to the support of a room or place where the same is smoked or used. Druggists may sell opium or any preparation thereof, subject to the general laws of the state in relation thereto.

Poisons and
opium.

62. To sell, dispose of, or lease any property belonging to a city or town not held in trust for a specific purpose, and such transfer must be made by ordinance or resolution passed by a two-thirds vote of all the members of the council. To sell, dispose of, or lease any property belonging to a city or town not held in trust for a specific purpose, and such transfer must be made by ordinance or resolution passed by a two-thirds vote of all the members of the council, provided, however, that when it is for the best interest of the city or town and the residents thereof that any municipal lighting system or power plant, owned by the municipality and held in trust for a specific purpose, be sold or disposed of, the city council shall have power to fix and determine and

Sell or lease
property.

declare the value thereof and to sell, lease and dispose of the same, such sale, lease or disposal to be approved by a majority vote of tax payers of such municipality cast at an election called for that purpose.

Contracts.

63. To make any and all contracts necessary to carry into effect the powers granted by this title, and to provide for the manner of executing the same.

Borrow money.

Bond issue.

Purpose and regulations.

Additional indebtedness.

64. To contract an indebtedness on behalf of a city or town, upon the credit thereof, by borrowing money or issuing bonds for the following purposes, to-wit: Erection of public buildings, construction of sewers, bridges, waterworks, lighting plants, supplying the city or town with water by contract, the purchase of fire apparatus, the construction or purchase of canals or ditches and water rights for supplying the city or town with water, and the funding of outstanding warrants and maturing bonds; provided, that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness, must not, at any time, exceed three per centum of the total assessed valuation of the taxable property of the city or town, as ascertained by the last assessment for state and county taxes; provided, that no money must be borrowed on bonds issued for the construction, purchase, or securing of a water plant, water system, water supply, or sewerage system, until the proposition has been submitted to the vote of the taxpayers affected thereby of the city or town, and the majority vote cast in favor thereof; and, further provided, that an additional indebtedness shall be incurred, when necessary, to construct a sewerage system or procure a water supply for the said city or town, which shall own or control said water supply and devote the revenue derived therefrom to the payment of the debt. The additional indebtedness authorized, including all indebtedness heretofore contracted, which is unpaid or outstanding, for the construction of a sewerage system, shall not exceed ten per centum over and above the three per centum heretofore referred to, of the total assessed valuation of the taxable property of the city or town as ascertained by the last assessment for state and county taxes; and, provided further, that the above limit of three per centum shall not be extended, unless the question shall have been submitted to a vote of the taxpayers affected thereby, and carried in the affirmative by a vote of the majority of said taxpayers

who vote at such election. It is further provided, that whenever a franchise has been granted to, or a contract made with, any person or persons, corporation or corporations, and such person or persons, corporation or corporations, in pursuance thereof, or otherwise, have established or maintained a system of water supply, or have valuable water rights or a supply of water desired by the city or town for supplying the said city or town with water, the city or town granting such franchise or entering in such contract or desiring such water supply, shall, by the passage of an ordinance, give notice to such person or persons, corporation or corporations, that it desires to purchase the plant and franchise and water supply of such person or persons, corporation or corporations, and it shall have the right to so purchase the said plant or water supply, upon such terms as the parties agree; in case they cannot agree, then the city or town shall proceed to acquire the same under the laws relating to the taking of private property for public use, and any city or town acquiring property under the laws relating to the taking of private property for public use, shall make payment to the owner or owners of the plant or water supply of the value thereof legally determined, within six months from and after final judgment is entered in the condemnation proceedings. For the purpose of providing the city or town with an adequate water supply for municipal and domestic purposes, the city or town council shall procure and appropriate water rights and title to the same, and the necessary real and personal property to make said rights and supply available, by purchase, appropriation, location, condemnation, or otherwise. Cities and towns shall have jurisdiction and control over the territory occupied by their public works, and over and along the line of reservoirs, streams, trenches, pipes, drains, and other appurtenances used in the construction and operation of such works, and also over the source of stream for which water is taken, for the enforcement of its sanitary ordinances, the abatement of nuisances, and the general preservation of the purity of its water supply, with power to enact all ordinances and regulations necessary to carry the powers hereby conferred into effect. For this purpose the city or town shall be authorized to condemn private property in the manner provided by law, and shall have authority to levy a just and equitable tax on all consumers

Water system.

Municipal
water supply.

Jurisdiction.

of water for the purpose of defraying the expenses of its procurement.

Sidewalks.

65. To regulate and provide for the construction or repair of sidewalks and foot pavements, and if the owner of any lot fails to comply with the provisions of the ordinance within such time as may be prescribed thereby, the council may contract for the construction and repair of such sidewalks or pavements, and the city or town may pay for the same, and the amount so paid is a lien upon the lot, and may be enforced or the amount may be recovered against the owner by a suit before any court of competent jurisdiction.

Rights of way.

66. To grant the right of way through the streets, avenues, and other property of a city or town for the purpose of street or other railroads, and to regulate the running and management of the same, and compel the owner of such street or other railroads to keep the street in repair when occupied by such street or other railroad; to regulate the speed of railroad engines, and to require railroad companies to station flagmen at street crossings.

Fire escapes.

67. To compel the owner of a building to erect fire-escapes and proper exits and entrances when necessary for safety.

Grading of streets.

68. To establish the grade of any street, alley, or avenue, and when the grade has been established, it must not be changed except by a vote of the majority of the council, and not then until the damage to property owners; caused by the change of grade, has been assessed and determined by three disinterested appraisers who must be appointed by the mayor and confirmed by the council, who must make an appraisal, taking into consideration the benefits, if any, to the property, and file their report with the clerk within ten days after receiving notice of their appointment, and the amount of damages so assessed must be tendered to the owner or his agent before any change of grade is made.

Sprinkling of streets.

69. To provide for the sprinkling of the streets, alleys, and public places of the city or town, and to fix the rates to defray the cost of said work.

Constructions.

70. To regulate the location of steam boilers, the putting up of signs and awnings, and the construction of entrances to basements, cellars, and other floors to buildings from the sidewalks.

71. To prevent and prohibit prize fights, boxing matches of any kind, with or without gloves, or exhibition of prize fighters, boxers, or sluggers in the city or town, or within five miles thereof. Prize fights.
72. To require the owner of a sidewalk, house, or other structure which is dangerous to passers-by, to repair or remove the same after notice. Requiring repairs.
73. To permit the use of the streets and alleys of the city or town for the purpose of laying down gas, water, and other mains, but no excavations must be made for such purpose without the permission of the council or its authorized officer; and the streets and alleys must be placed in as good condition by the person or corporation making the excavation, as they were before the excavation was made, and the mains laid down, and in default thereof the council may order the same to be done at the expense of such person or corporation. Laying of mains.
74. To provide for inclosing, improving, and regulating all public grounds belonging to the city or town. Public grounds.
75. To condemn private property for opening, establishing, widening, or altering any streets, alley, park, sewer, waterway, in the city or town, or for any other public use, and the ordinance authorizing the taking of private property for any such use is conclusive as to the necessity of the taking, and must conform to and the proceedings thereunder had as provided in the Code of Civil Procedure concerning eminent domain. Condemnation.
76. To appropriate money, and provide for the payment of the debt and expenses of the city or town, and also the debt of the municipal corporation of which it is the successor. Appropriate money.
77. To take a census of the inhabitants of a city or town at any time. Census.
78. To provide for the city or town printing, the contract for which must be let annually to the lowest bidder. Printing.
79. To adopt, enter into, and carry out means for securing a supply of water for the use of a city or town or its inhabitants. Water.
80. To create special improvements districts, designating the same by number; to extend the time for payment of assessments levied upon such districts for the Improvement districts.

improvements thereon for a period not exceeding twenty years; to make such assessments payable in installments, and to pay all expenses of whatever character incurred in making such improvements with special improvement warrants, which warrants shall bear interest at a rate not to exceed six per centum per annum.

Theaters. 81. To regulate and prohibit the wearing of hats or bonnets at theaters or public places of amusement.

Ditches. 82. To regulate the use and construction of irrigating ditches, drains, and flumes within or running through any city or town.

Weeds. 83. To declare and determine what vegetation within the city or town shall be noxious weeds, and to provide the manner in which they shall be exterminated, and to require the owner or owners of any property, within said city or town, to exterminate or remove noxious weeds from their premises, and the one-half of any road or street lying next to the lands or boulevard abutting thereon, and to provide, in the event the owner or owners of any of said premises neglect to exterminate or remove the noxious weeds therefrom, for levying the cost of such extermination or removal as a special tax against the property.

Landing fields for aircraft. 84. To acquire, by gift, purchase or condemnation, lands for landing fields for aircraft within or without the corporate limits of the municipality, and to exercise municipal jurisdiction over the land so acquired where such lands, or any portion thereof, are without the corporate limits of the municipality, to the same extent as though they were within such corporate limits."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 15, 1927.

CHAPTER 21.

An Act Assenting to the Provisions of an Act of Congress Entitled, 'An Act to Authorize the More Complete Endowment of the Agricultural Experiment Stations and for Other Purposes,' Approved February 24, 1925.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State of Montana hereby assents to the provisions of an Act of Congress entitled, "An Act to authorize the more complete endowment of the Agricultural Experiment Stations and for other purposes," approved February 24, 1925, and hereby consents to receive the benefits thereof in the manner and form and for the purposes in said Act intended and provided.

Section 2. The President of the State College of Agriculture and Mechanic Arts of the State of Montana is hereby authorized and empowered to receive such moneys as provided in this Act for the more complete endowment of the Agricultural Experiment Station of the State of Montana, and shall expend such moneys and make such reports to the Secretary of Agriculture as are in accordance with the provisions set forth in said Act of Congress.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 15, 1927.

CHAPTER 22.

An Act to Amend Section 5070 Revised Codes of Montana, 1921, Relating to Contracts by Cities and Towns for Work, Supplies and Material.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5070, Revised Codes of Montana, 1921, be and the same is hereby amended so as to read as follows:

"Section 5070. Awarding Contracts. All contracts for work, or for supplies or material, for which must be paid a sum exceeding Five Hundred Dollars (\$500.00), must be let to the lowest responsible bidder, under such

Lowest
responsible
bidder.

Period.

regulations as the council may prescribe; provided, that no contract shall be let extending over a period of three years, or more, without first submitting the question to a vote of the resident taxpayers of said city or town."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 16, 1927.

CHAPTER 23.

An Act to Amend Section 6036 of the Revised Codes of Montana, 1921, as Amended by Chapter 9 of the Session Laws of the Eighteenth Legislative Assembly of 1923, Relating to Liability of Stockholders in State Banks and Providing means for paying and collecting said Liability, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6036 of the Revised Codes of the State of Montana, 1921, as amended by Chapter 9 of the Session Laws of the Eighteenth Legislative Assembly of 1923, be, and the same is hereby amended to read as follows:

Stockholders
liability.

Section 6036. The stockholders of every bank shall be severally and individually liable, equally, and ratably, and not one for the other, for all contracts, debts, and engagements of such corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares. No person holding stock as executor, administrator, guardian, or trustee, and no person holding such stock as a pledge or collateral security, shall be personally subject to any liability as stockholder in such corporation; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian, or trustee, shall be liable in like manner and to the same extent as the testator, intestate, ward, or the person interested in such trust fund would have been liable if he had been living or competent to act and hold the stock in his own name.

Personal.

In cases where a bank is liquidated by a Court through a receiver, the receiver may by order of the Court institute and maintain suits or actions in any court of record in any of the states of the United States and elsewhere on behalf of the creditors of the bank against stockholders, for the recovery and collection of stockholders' liability. In any and all suits and actions now pending for the recovery of stockholders liability and which have been instituted by a creditor or creditors of such bank, whether such suit or action is pending within the State of Montana or in some other state of the United States, the receiver may make application to the proper Court to have the receiver's name substituted as plaintiff in each and all of such actions, in lieu of the name of the creditor or creditors of such banks. Any money paid to the receiver by a stockholder, whether such stockholder shall reside within or without the State of Montana, in whole or partial satisfaction of his liability, shall not be deemed paid voluntarily, but shall give the stockholder the same protection, to the extent of the amount paid, as if the payment were made after suit brought by the receiver. The receiver is authorized and empowered to receive and receipt for any and all amounts due and collected from stockholders, and shall from time to time, under order of the Court, distribute the amount so collected without diminution to the creditors of the bank in this section enumerated.

Receiver may maintain suit.

Receiver's name substitution for plaintiff in pending actions.

Payments not voluntary.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 21, 1927.

CHAPTER 24.

An Act Requiring Annual Statements to be Made Showing the Financial Condition of Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Within sixty (60) days after the close of each fiscal year the city or town clerk of each city and town in this state must make out, in triplicate, a full and complete statement of the financial condition of the city or town for such fiscal year, showing:

Financial statement of city.

Contents of
statement.

1. The indebtedness of the city or town, funded and floating; the amount of each class of indebtedness; and the amount of money in the treasury subject to the payment of each class of indebtedness;

2. The amount of money received from taxes upon real and personal property;

3. The amount of money received from fines, penalties and forfeitures;

4. The amount of money received from licenses;

5. The amount of money received from all other sources, each source and the amount received therefrom being shown separately;

6. For each fund the amount of money, if any, on hand at the beginning of such fiscal year, the amount received by and the amount paid out during such fiscal year. The total amount of money paid out must be deducted from the sum of money on hand at the beginning of the fiscal year and money received during such year by the City or Town Treasurer, and a balance must be struck for each fund;

7. A concise description of all property owned by the city or town with an approximate estimate of the value thereof;

8. The rates of taxation and purposes for which levied for such fiscal year;

9. Such other information as may be, from time to time, required by the State Examiner;

The forms on which such statements shall be made shall be prescribed by the State Examiner.

Who must
receive copies.

The City or Town Clerk must, not later than the 31st day of August following the close of each fiscal year, transmit one copy of such statement to the State Examiner and one copy thereof to the State Board of Equalization, and must present the third copy thereof to the City or Town Council, or Commission, at the first regular meeting thereof in the month of September.

Receipts of
copies filed
before pay.

The City or Town Clerk shall not receive any salary or compensation for the month of August, or for any month thereafter, until he shall have filed in his office receipts from the State Examiner and State Board of

Equalization that such copies have been received and filed.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 21, 1927.

CHAPTER 25.

An Act to Amend Sections 5217 and 5218 Revised Codes of Montana 1921, Relating to the Fiscal Years of Cities and Towns and the Making of Appropriations for Such Fiscal Years.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5217 Revised Codes of Montana 1921, be, and the same is hereby amended so as to read as follows:

“Section 5217. The fiscal year of cities and towns commences on the first day of July of each year, and ends on the last day of June of each year.”

Section 2. That Section 5218 Revised Codes of Montana 1921, be, and the same is hereby amended so as to read as follows:

“Section 5218. The council must, during the month of July in each fiscal year, pass an ordinance to be known as the ‘Annual appropriation for the.....of for the fiscal year beginning July 1, 19.....,’ in which ordinance there must be appropriated enough money to defray the expenses or liabilities of the city or town for such fiscal year, and there must be specified therein the amount appropriated for each separate object or fund, and the salary or compensation to be paid to each officer of the city or town.”

Appropriations
for liabilities.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 21, 1927.

CHAPTER 26.

An Act Authorizing Cities and Towns Which Do Not Have a paid Fire Department to Levy a Special Tax not Exceeding Two (2) Mills on the Dollar of Assessed Valuation of Property in Such Cities and Towns for the Support and Maintenance of Volunteer Fire Departments and the Purchase of Equipment Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Levy for
volunteer fire
departments.

Section 1. For the purpose of supporting volunteer fire departments in any city or town which does not have a paid fire department, and for the purpose of purchasing the necessary equipment therefor, the Council in any city or town, may assess and levy, in addition to other levies permitted by law, a special tax not exceeding two (2) mills on each dollar of the assessed valuation of the taxable property of the city or town; and, provided, further, that the words "assessed valuation" as used in this section shall be the percentage of the true and full valuation of the taxable property provided in Section 2000 of the Revised Codes of Montana, 1921, and shall not be deemed to be the true and full valuation of such property.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 21, 1927.

CHAPTER 27.

An Act to Amend Section 3524 of the Revised Codes of Montana of 1921, to Provide for the Firing of Shots Whenever Necessary in Mines, Where the Coal is Loaded Out by Any Mechanical Means, or Where New Methods of Mining are Being Developed that Require Shooting More than Once Per Shift.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3524 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

How ignited.

"Section 3524. System of Blasting.—A workman who is about to explode a blast with a squib shall not

shorten the match, saturate it with oil, or ignite it except at the extreme end. He shall see that all persons are out of danger from probable effects of such shots, and shall take measures to prevent any one from approaching by shouting 'Fire' immediately before lighting the fuse or squib.

Shouting.

When firing shots in close proximity to other workmen on rib or in cross-cut driven for air or other purposes, he or they, firing such shots, shall notify in person or by signals the workmen in adjoining rooms or other place or entry.

Notifying.

When a squib is used and a shot misses fire, no person shall return until five minutes shall have elapsed. When a fuse is used and a shot misses fire, no person shall return until one hour for each foot of fuse used shall have elapsed. When it is necessary to tamp dynamite, nothing but a wooden tamper shall be used.

Time limit for return in case of miss.

Tamping.

No hole shall be drilled to a greater depth than the cut or shearing, neither shall fine coal, coal dust, or any combustible material be used for tamping any hole.

Drilling holes.

No workman shall put off any blast in any mine known as a 'following shot.'

Following shots.

At all coal mines where the coal is loaded by hand by individual miners or loaders the firing of shots shall be restricted to a specific time at the end of each shift, except that in entries, slants and room necks, when necessary, one snubbing shot may be fired in each at the middle of the shift. No miner shall fire a shot until the time appointed for him to do so, and then only in such rotation as designated by the proper authority. After each blast he shall exercise great care in examining the roof and coal and shall secure them safely before beginning to load coal. Where shooting is done by shift work the same precaution shall be used by some person or persons designated by the operator.

Time for shots.

Examination.

In any coal mine, or any section of a coal mine, where the coal is loaded out by any mechanical means, conveyor, power shovel, entry driving machine, scraper loader or other loading device, or where new methods of mining are being developed that require shooting more than once per shift, the firing of shots may take place at any time during the shift, when necessary, after proper inspection by competent men as may be

Shooting during shifts.

designated by the operator, provided that efficient means are employed to carry the powder smoke as directly and as quickly as possible to the return air-way and also that the workmen are not required to work in a smoky atmosphere.

Posting
draw slate.

When draw slate is over the coal, the miner shall not go underneath the draw slate until it is made safe from falling by securely posting it, and he shall not remove the posts until the coal is removed and he is ready to take down the draw slate. He shall not place in the gob or refuse pile any fine coal or coal dust but shall load same into cars. When more than one shot is to be fired at the same time with fuse, in the same working place, different lengths of fuse shall be used so as to prevent any possibility of the shots going off simultaneously."

Coal dust.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 21, 1927.

CHAPTER 28.

An Act to Amend Section 3504 of the Revised Codes of Montana of 1921, so as to Increase the Maximum Distance Between Crosscuts, where Mechanical Means of Loading Coal or Driving Entries are Employed, or where Local Mechanical Methods of Ventilation are Installed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3504 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Cross-cuts
how made.

"Section 3504. Cross-Cuts and Brattices for Ventilation. Cross-cuts between the entries, except where the same are within the confines of shaft bottom pillars, or are hereafter provided for, shall be made not exceeding sixty (60) feet apart, unless sufficient brattice is used to keep the air current up to the entry face, in which case they shall not exceed one hundred (100) feet apart.

Where entries or rooms are being driven by entry driving machines, or any other mechanical loading device, or where local mechanical methods of ventilation are installed to furnish air to the workmen at the face, cross-cuts may be driven at not exceeding three hundred (300) feet apart, provided that brattice, tubing or some other device is used sufficient to give at the face twice the amount of air per man and animal provided for in Section 3501, Revised Codes of Montana of 1921, and to clear said face of powder smoke before the men are required to return to work therein. In mines or sections of a mine where no local mechanical methods of ventilation are installed, when there is a solid block on one side of a room, cross-cuts shall be made between such room and the adjacent room not to exceed sixty (60) feet apart; where there is a breast or group of rooms, a cross-cut shall be made on one side or the other of each room, except the room adjoining said block, not to exceed fifty (50) feet from the outside corner of the crosscut to the nearest corner of the entrance of the room, and on the opposite side of the same room a cross-cut shall be made not to exceed ninety (90) feet from the outside corner of the cross-cut to the nearest corner of the entrance of the room, and thereafter cross-cuts shall be made not to exceed eighty (80) feet apart on each side of the room. The required air current shall be conducted to the cross-cut nearest the face of each entry or room.

Entries or
rooms.

Group of
rooms.

Conducting air
current.

Brattices between permanent inlet and outlet airways shall hereafter be constructed in a substantial manner of brick, blocks, masonry, concrete, or non-perishable material. Rooms must not be worked in advance of the ventilating current."

Brattices.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 21, 1927.

CHAPTER 29.

An Act to Amend Chapter 140 of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana, Relating to Declaring Abandoned Horses Running at Large upon the Open Range in the State of Montana to be a Public Nuisance; Defining "Abandoned Horse"; Defining "Open Range"; Condemning Abandoned Horses Running upon the Open Range; Providing for Roundups and for Sale and other Disposition of Abandoned Horses Taken up in such Roundups; Providing for Reclamation of any Abandoned Horse by its Owner; Providing for the Taxation of Abandoned Horses; and Providing for Notices and Procedure.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 140 of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Definition of
abandoned
horse.

"Section 1. The term 'abandoned horse' as used in this Act means any horse, mare, gelding, filly, jack, mule or any other animal of the genus equus, of the age of one (1) year or over, and unbranded, or if branded, which escaped assessment for taxation for the year next preceding its impounding as hereinafter provided for, and running at large upon the open range of this State, and including foals running with dams coming within the above definition. An animal not bearing a decipherable brand which is recorded in the office of the Recorder of Marks and Brands shall be deemed unbranded.

Definition open
range.

The term 'open range' means all lands in the State of Montana not enclosed by a fence. The term 'open range' includes all highways outside of private enclosures and used by the public, whether the same have been formally dedicated to the public or not.

"Person."

The term 'person' shall include individuals, associations or persons and corporations."

"Section 2. It shall be unlawful for any person to suffer or permit any abandoned horse to run at large upon the open range in the State of Montana; and such horses so running at large upon the open range in the

state are hereby declared to be a public nuisance and a public menace, and are hereby condemned, subject to the right of the owner of any such abandoned horse to reclaim the same as and under the conditions hereinafter provided."

Nuisance at large.

"Section 3. For the purpose of speedily clearing abandoned horses from the open range in any county or in any district thereof, the Board of County Commissioners of any such county must, upon the petition of at least five (5) responsible property owners, inhabitants of the proposed roundup district, engaged in the live stock business and paying taxes upon livestock in such county, or upon the petition of a reputable local live stock association, authorize a roundup of abandoned horses in any district within such county, any such roundup to be conducted in such manner as to cause as little disturbance as reasonably possible to horses running lawfully on the open range. All expense of any such roundup shall be paid by the petitioners at whose request the same is initiated, and no county officer or board shall have any power to expend any moneys of the county or incur any obligation on its behalf in connection with any such roundup. Such petitioners, however, shall be reimbursed for the expense of such roundup, as and when moneys may be available for that purpose, in the Abandoned Horse Fund, by warrants issued upon claims filed as in the case of other claims against the county. Upon the filing of such petition the Board shall make an order authorizing such roundup, which order shall describe generally such district with reasonable certainty; provided, that said district shall not include more nor less territory than that described in the petition; and such order shall also specify the date on or within ten (10) days after which the roundup shall begin and shall designate the place within the district, at which the headquarters of such roundup shall be maintained."

Roundups.

Expenses.

Abandoned horse fund.

Petition and order.

"Section 4. Notice of the holding of any such roundup shall be given by the Board of County Commissioners at least thirty (30) days prior to the date when the same shall begin, such notices to be published at least once a week for three (3) successive weeks in some newspaper of general circulation, printed and published in the county in which such roundup is to be held, (if any such newspaper be printed and published within such county) and such notice shall be posted in

Notices.

Posting.

Publication.

Filing.

Form.

at least five (5) public places, outside of the county seat of such county on public highways in such county or district, as the case may be, in which such roundup is to be held, and three (3) notices shall be posted in three (3) public places in such county seat, one of which notices shall be posted at the front door of the court house, such notices as posted outside of the county seat to be posted not less than two (2) miles apart and all posted notices to be posted at least twenty (20) days before the date upon or after which the roundup shall begin as stated in such notice. If no newspaper be printed and published in such county, publication in a newspaper shall not be required. At least twenty (20) days before the date upon or after which the roundup is ordered to begin, a copy of such notice shall be, by the clerk of said Board of County Commissioners, filed with the Montana Live Stock Commission. Such notices shall be in substantially the following form: 'Notice is hereby given that in accordance with the provisions of Chapter of the laws of the Twentieth Session of the Legislative Assembly of the State of Montana, and beginning on or within ten (10) days after the.....day of....., 19....., a roundup of abandoned horses will be held under the supervision of the undersigned Board of County Commissioners in the County of....., State of Montana (or if only in a district, generally describing the district), and all abandoned horses taken up in such roundup, and not lawfully reclaimed by the owner, will be sold or otherwise disposed of as provided in said Chapter. The Headquarters of such roundup will be maintained at.....

Dated the.....day of....., 19.....

By order of the Board of County Commissioners of
.....County.

By:
Clerk of said Board.' ''

Supervision
and control.

“Section 5. All roundups shall be under the control and supervision of the Board of County Commissioners of the county in which the same shall be held. Roundup districts shall be numbered in the order of their creation. Each roundup shall be conducted by some person designated by the Board of County Commissioners, whose official designation shall be 'Roundup Foreman, ...Roundup District, ... County, State of Montana,' and such person shall main-

tain his headquarters at the place designated by the Board of County Commissioners in its order as the headquarters of such roundup. Such roundup foreman shall have power to administer oaths and affirmations in all matters coming within the scope of his official duties. The Board of County Commissioners shall require from such Roundup Foreman an official bond, in an amount not less than Two Thousand Five Hundred Dollars (\$2,500.00) and not to exceed Five Thousand Dollars (\$5000.00), which bond shall be conditioned as official bonds of county officers, and shall be subject to all provisions of law applicable to such bonds. All abandoned horses taken up in any such roundup shall be delivered to the roundup foreman in charge of such roundup and shall be by him offered for sale at public auction and sold to the highest bidder for cash, if there be any bidder or bidders therefor, and any such abandoned horses so offered for sale, and for which no bid is made, shall be destroyed or otherwise disposed of in the discretion of the Board of County Commissioners, unless reclaimed as herein provided.”

Foreman.

Bond.

Auction.

“Section 6. Any person claiming to be the owner of any such abandoned horse or horses may serve written notice upon the roundup foreman in charge of such roundup of his claim of ownership, at any time before sale, or other final disposition of such horse or horses, such claim of ownership to be verified by the oath of the claimant or some one on his behalf, and the sale or other final disposition of such horse or horses shall, as to such horse or horses, be postponed from time to time as may be necessary, to enable the claimant to make proof of his claim as herein provided; provided that such postponement shall not be had unless the claimant shall pay to the roundup foreman in charge of such roundup, or deliver to him satisfactory security for, the estimated cost of keeping and feeding such horse or horses until sale or other final disposition, or delivery to the owner.”

Claim of owner.

“Section 7. Any person claiming any abandoned horse or horses as provided in Section 6 of this Act shall, within five (5) days after serving the notice provided for in said Section 6, or within such further time as the Board of County Commissioners shall allow, upon good cause shown, submit to such Board proof of his ownership, and shall deposit with said Board the

Proof of ownership.

Notice and
delivery.

amount of any unpaid taxes and penalties which may be assessed against such horse or horses, together with the sum of Five Dollars (\$5.00) roundup fee. The Board shall decide all such cases in preference to all other matters coming before it and at the earliest possible moment. If the claim shall be allowed, the roundup foreman in charge of such roundup shall immediately be notified of such decision and he shall forthwith deliver such horse or horses, as to which ownership shall be so proved, to the owner upon payment of any amount due from such owner for the estimated cost of keeping and feeding such horse or horses as aforesaid, and the deposit made by such owner of taxes, penalties, and roundup fee, shall be by the Board delivered to the County Treasurer; but if such Board shall deny the claim of ownership it shall forthwith notify the person in charge of such roundup of its decision, and such horse or horses as to which such claim shall be denied shall be offered for sale at the earliest convenient session of the sales being held under such roundup, and if not sold the same shall be destroyed or otherwise disposed of as though no claim had been presented."

Term of
notice.

"Section 8. Before any sale shall be had, at least ten (10) days notice shall be given by publication and posting in the manner specified in Section 4 hereof, except that publication, if made in a newspaper, shall be once in each week for two successive weeks, and posting shall be done at least five (5) days before the date of sale. Such notice shall be in substantially the following form:

Form.

'NOTICE OF SALE OF ABANDONED HORSES.

Notice is hereby given that on.....day, the.....day of....., 19....., at.....in the County of....., State of Montana, beginning at the hours of..... M., on said day the following described abandoned horses will be sold at public auction to the highest bidder for cash, to wit:

(Give general description of horses to be sold by brand, if any, color, approximate weight, and estimated age.)

Any horses not reclaimed before sale as provided by law, and for which no bid is made at said sale, will be destroyed, or otherwise disposed of. in the discretion

of the Board of County Commisisoners of.....
County, State of Montana.

Dated the.....day of....., 19.....

By order of the Board of County Commissioners of
.....County, Montana.

By.....Clerk of said Board.'

All such sales shall be held between the hours of eight (8) o'clock in the forenoon and six (6) o'clock in the afternoon and may be continued from time to time until all abandoned horses taken in such roundup shall have been disposed of. On payment of the price bid for any such horse or horses sold, the delivery thereof, with a bill of sale, vests the title thereto in the purchaser." Time of sale.

"Section 9. It shall be the duty of the County Assessor immediately to assess all horses taken up in such roundup which shall be sold, or reclaimed before sale, and not already assessed for the current year, and forthwith transmit to the County Treasurer a copy of each assessment made. Any such horses which have escaped the assessment mentioned in Section 1 foregoing, shall be assessed as provided for in Section 2033 of the Revised Codes of Montana of 1921." Assessment.

"Section 10. All moneys paid by reclaiming owners of any such horse or horses shall be paid to the County Treasurer and by him kept in a fund to be designated as the 'Abandoned Horse Fund, Roundup District No.(giving number of district in which such horse or horses were rounded up.)' A separate fund, styled as above specified, shall be kept by the County Treasurer for each roundup district created in his county. All moneys received from the sale of any such horses shall be paid to the County Treasurer and if such sum received from the sale of any such horse shall not exceed the taxes, penalties, and the roundup fee, the whole thereof shall be immediately deposited in the Abandoned Horse Fund for the district in which such horse or horses were rounded up; but if the sum received from the sale of any such horse shall exceed such taxes, penalties and roundup fee, the amount of such taxes, penalties and roundup fee shall be forthwith deposited in the Abandoned Horse Fund for such district, and the excess shall be kept by the Treasurer in a separate fund, and he shall make a record of the description of such horse, the amount received for the same, and Disposition of revenue.

the amount of deductions for taxes, penalties and roundup fee, which record shall be open to public inspection; and any person making claim to the Board of County Commissioners at any time within six (6) months from the date of sale, of ownership of such horse, and submitting proof of ownership to such Board with such claim, to the satisfaction of such Board, shall be entitled to receive such excess received from the sale of such horse. Any money received from the sale of any such horse in excess of taxes, penalties, and roundup fee, which shall not be so claimed within six (6) months after such sale, shall at the expiration of said period become the property of such county and shall be transferred to the Abandoned Horse Fund for the district in which any such horse was rounded up."

Record of
foreman.

"Section 11. The roundup foreman in charge of any such roundup shall keep an accurate record of all proceedings had under the order for such roundup and within thirty (30) days after such roundup shall be completed he must prepare, in triplicate, and verify by his oath, a full, true and accurate report of all the proceedings taken or had under the order for the roundup, among other things, particularly including a complete financial statement, the number and description of horses impounded and how disposed of. Within said thirty (30) days one of such triplicates of such report shall be filed with the clerk of the Board of County Commissioners and such filing shall be notice to the world of all the contents of such report and prima facie proof of the facts herein stated. Within said thirty (30) days one of such triplicate shall also be filed with the County Assessor and one with the County Treasurer for their information and appropriate action."

Filing.

"Section 12. On the 30th day of November of each year the County Treasurer shall, if all claims against any such Abandoned Horse Fund are paid and a balance remains in such fund, transfer all moneys so remaining in such fund to the General Fund of the County, subject to the usual division with the State as to any portion of such balance which shall consist of taxes collected on the abandoned horses; but no part of the roundup fee of Five Dollars (\$5.00) shall be paid to the state; and any portion of the taxes so collected which shall be used in paying claims against said fund is hereby declared to be a part of the cost of collection of such taxes."

When put in
general fund.

“Section 13. No officer, board, or employee of any county, nor any employee of any such officer of board shall be liable for any act performed in good faith in discharging official duties under this Act; and all such acts shall be presumed to have been in good faith and in conformity with this Act.” Liability.

“Section 14. It shall be unlawful for any person or persons to roundup from the range any horse or horses in any roundup district, after such districts have been designated by the County Commissioners, until after such roundup; provided, however, that an owner of horses on which the taxes have been paid in this district may gather the same by notifying the roundup foreman, and being accompanied by such foreman or a representative of such foreman in gathering such horses.”

“Section 15. Except as herein provided, nothing herein contained shall be construed as limiting the powers or duties of Assessors, County Treasurers, or other boards of officers.”

“Section 16. If any clause, sentence, section, paragraph or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, section, paragraph or part hereof directly adjudged to be invalid or inoperative.”

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed to the extent of such conflict.

Section 3. This Act shall be in full force and effect on and after its passage and approval.

Approved Feb. 21, 1927.

CHAPTER 30.

An Act to Amend Section 4545 of the Revised Codes of Montana, 1921, Relating to the Appointment, Qualification and Term of Office of County Fair Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4545 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Appointment of
County Fair
Commission.

"Section 4545. The Board of County Commissioners of each county of Montana may, at their regular meeting in December in 1927, appoint from the electors of their respective counties, five responsible persons to constitute a County Fair Commission, three of said members to be appointed for a term of two years, and two for a term of one year, and until their successors are appointed. At the regular meeting in December in each year thereafter, the said Board of County Commissioners of each county shall appoint members of the said County Fair Commission to succeed the members whose terms then expire, such appointments to be for a term of two years. Such persons shall be well qualified to perform the duties of organizing and successfully carrying on the County Fair.

Preference.

In case there is in any county a Fair Association, Horticultural or Agricultural Society, the Board of County Commissioners may appoint said Fair Commission from the members of said Fair Association, Horticultural or Agricultural Society, giving preference in said appointment to the officers of the said Association or Societies."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 21, 1927.

CHAPTER 31.

An Act Relating to Insurance upon Lives of Directors, Officers, Agents and Employees of Corporations and Prescribing what shall Constitute Evidence of Due Authority for all Corporate Actions with Reference thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. (a) Whenever a corporation, organized under the laws of this state, has heretofore caused or shall hereafter cause to be insured the life of any director, officer, agent or employee, or whenever such corporation is named as a beneficiary in or assignee of any policy of life insurance, due authority to effect, assign, release, relinquish, convert, surrender, change the beneficiary, or to take any other or different action with reference to such insurance, shall be sufficiently evidenced to the insurance company by a written statement to that effect, signed by the President and the Secretary or other corresponding officers of such corporation, under its corporate seal. Such statement shall be binding upon such corporation and shall protect the insurance company concerned in any act done or suffered by it upon the faith thereof without further inquiry into the validity of the corporate authority or the regularity of the corporate proceedings.

Insurance of
director's life.

Written
evidence of
change.

(b) No person shall be disqualified, by reason of interest in the subject matter, from acting as a director or as a member of the Executive Committee of such corporation on any corporate act touching such insurance.

Not
disqualified.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 21, 1927.

CHAPTER 32.

An Act to Amend Section 4549 of the Revised Codes of Montana, 1921, Relating to Appropriations and Tax Levies for County Fairs and the Purposes for Which Same Shall be Used.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4549 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 4549. Appropriation and Tax Levy for County Fairs. The Board of County Commissioners of their respective counties may appropriate annually out of the general fund of the county treasury to the County Fair Commission a sum not to exceed Two Thousand Five Hundred Dollars (\$2,500.00), to be expended by the County Fair Commission for the purpose of holding a county fair, or advertising the products and resources of their county. In addition to the appropriation above provided for, or in lieu thereof, the County Commissioners of any county in Montana shall have the power to levy an ad valorem tax of one and one-half (1½) mills or less on each dollar of taxable property in such county, for the purpose of securing, equipping, and maintaining a county fair, including the purchase of land for such purpose, and the erection of such buildings and other appurtenances as may be necessary; provided, however, that no portion of said appropriation or tax levy shall be expended for horse racing."

Appropriation
for County
Fair.

Tax levy.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 24, 1927.

CHAPTER 33.

An Act Providing for the Alteration of Boundaries of Incorporated Cities and Towns, and the Exclusion of Territory From the Corporate Limits Thereof; Granting Power to the Councils of Such Cities and Towns to Enact Resolutions for That Purpose; and Providing for the Payment of Any Outstanding Bonded or Other Indebtedness of Such Excluded Portion.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The boundaries of any incorporated city or town of this State may be altered and a portion of the territory thereof excluded therefrom, and the councils of such cities and towns are hereby granted power to enact resolutions for that purpose after proceedings had as required in this Act.

Alteration of boundaries.

Section 2. A petition in writing signed by a number of the qualified electors residing within the corporate limits of such city or town, equal to a majority of the votes cast at the last city election held therein, or by the owners of not less than three-fourths in value of the territory sought to be excluded, shall be filed with the clerk of such city or town. Such petition shall set out and describe the territory to be excluded from the corporate limits, which territory must be on the border of such city or town, and the alteration of the boundaries desired by the petitioners, together with the boundaries of the city or town as it will exist after such change is made, and shall pray that the council of such city or town shall enact a resolution altering the boundaries of such city or town and excluding therefrom the territory therein described. Such petition shall be presented to the council of such city or town at the next regular meeting after the filing thereof. If said council by resolution, duly and regularly passed and adopted, shall find that said petition is signed by the requisite number of qualified electors of said city or town, or by the owners of not less than three-fourths in value of the territory to be excluded, and that the territory petitioned to be excluded is within the corporate limits and on the border thereof, and that the granting of said petition will be to the best interest of such city or town and the inhabitants thereof, and will not materially mar the symmetry of such city or town, the city or town clerk of such city

Petition.

Contents.

Resolution of council.

Notice.

Communications
considered.Disapproval
effect of.Filing of
resolution
and map.Liability of
excluded
territory.

or town shall forthwith cause to be published in the newspaper nearest such territory petitioned to be excluded, at least once a week for two successive weeks, a notice which shall be to the effect that such resolution has been duly and regularly passed and that for a period of twenty days after the first publication of such notice, such city or town clerk will receive expressions of approval or disapproval, in writing, of the proposed alterations of the boundaries of such city or town by the exclusion of the territory petitioned to be excluded, from the owners of the territory proposed to be excluded. The clerk shall, at the next regular meeting of the city or town council, after expiration of the said twenty days, lay before the same all communications in writing by him so received for its consideration, and if, after considering the same, such Council shall duly and regularly pass and adopt a resolution to that effect, the boundaries of such city or town shall be altered so as to exclude the territory described in said petition; provided, that such resolution shall not be finally adopted by such council after written disapproval by a majority of the owners in value of the territory proposed to be excluded, nor after written disapproval or protest by a majority of the owners in value of property within the corporate limits of said city or town immediately adjacent and contiguous to the territory sought to be excluded. That for the purposes of this Act the words "contiguous" and "adjacent" shall include property on the opposite side of a street or alley from the property sought to be withdrawn.

Section 3. Within thirty days after the passage and approval of said resolution, a copy thereof duly certified by the clerk of said city or town, together with a map showing the corporate limits of said city or town as altered and changed, shall be filed in the office of the county clerk and recorder of the county in which said city or town is located. Said resolution shall become effective thirty days after its passage and approval, and thereafter the boundary of said city or town shall be as set forth in said resolution.

Section 4. Such alteration shall not relieve any territory excluded from the limits of a city or town, from its liability on account of any outstanding bonded indebtedness of such city or town, or any indebtedness of any improvement district of which the excluded ter-

ritory is a part, existing at the time of the passage of such resolution.

Section 5. For the purpose of levying any tax or assessment necessary for the collection of any of the indebtedness specified in Section 4 of this Act, the territory so excluded shall be and remain under the jurisdiction of such city or town.

Section 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 7. This Act shall be in full force and effect from and after the passage and approval thereof.

Approved Feb. 24, 1927.

CHAPTER 34.

An Act Providing for Filing of Co-operative Association Marketing Agreements; the Effect of Such Filing for Record on the Title and Possession of the Product Covered Thereby; the Right of Such Association to Hypothecate, Transfer or Assign Such Agreement; and Providing the Manner of Execution, Recording, Recording Fees, Rights and Obligations of All Parties in Interest.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any co-operative marketing association organized under the laws of this state, or doing business in this state pursuant to the laws of this state, may file for record its marketing agreements covering livestock, increase, wool, and other livestock products as hereinafter provided.

Recording
marketing
agreements.

Section 2. Such agreements shall be eligible for filing for record without being acknowledged before a Notary Public or other officer, or without any affidavit of good faith or other formality, but shall be signed by the member of the Association, and in the name of the Association, by a duly authorized officer of the Association, and the corporate seal of the Association shall be affixed.

Eligibility for
filing.

Section 3. Such agreements shall be filed in the office of the County Clerk and Recorder in the county

Where filed.

where such livestock or livestock product is located on the date such agreement is so filed for record.

Constructive
notice.

Section 4. Such recordation shall operate as constructive notice of the agreement and of the rights of the Association and of its successors and assigns, as specified in the agreement and in this Act.

Agreement to
convey full
title.

Section 5. In case such marketing agreement specifies that the member has agreed to sell, and the Association has agreed to buy, the product specified in the agreement, produced by or for such member during a period of time in said agreement designated; and such agreement further provides that the Association shall have the absolute title to such product, and the right to enforce specific performance of the agreement, and the power to borrow money thereon for any purpose of the Association, and that the Association shall have all rights of ownership of such product without limitation, including the right to sell or pledge for its own account, or as security for its own debts or otherwise, then such agreement, when so filed for record, shall operate to convey and transfer to such Association full title to and possession of such product covered thereby, and any possession by the member thereafter shall be only as custodian for such Association. It is further provided that such agreement shall not apply or constitute any lien or encumbrance on any product derived subsequent to the term therein specified, and no release or satisfaction of such an agreement need be filed for record.

Not a lien.

Security for
loans.

How transferred
and assigned.

Section 6. It is further provided that such Association shall have full power to transfer and assign all of its rights under such co-operative marketing agreement, containing the provisions specified in the preceding section hereof, as security for loans obtained by it. Such transfer and assignment may be by endorsement on the marketing agreement so filed for record, or may be made by separate document which shall adequately describe the said marketing agreement, or the various agreements, covered thereby. Any such assignment shall be eligible for record in the same manner as is herein provided for recording of co-operative agreements. Such assignments need not be acknowledged before a Notary Public or other officer, nor contain any affidavit of good faith or other formality, but shall be signed in the name of the Association by a duly

By whom
signed.

authorized officer of the Association and the corporate seal of the Association shall be affixed. The assignee under any such assignment shall be subrogated to all the rights of the Association under said co-operative marketing agreements, and the provisions of this Act.

Section 7. The fees payable to the County Clerk and Recorder shall be as follows: fifty cents for each agreement so filed for record; fifty cents for each certificate of prior liens and mortgages; fifty cents for certifying to copy of marketing agreement so filed for record; fifty cents for each assignment which is filed separate from the marketing agreement or agreements covered thereby. The County Clerk and Recorder shall index such agreements and assignments in the index of Chattel Mortgages. Fees of recorder.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1927.

CHAPTER 35.

An Act to Authorize the State Treasurer of the State of Montana to Discontinue the Carrying of the State Treasurer's Vault Fund and to Authorize the State Treasurer of the State of Montana to Transfer All Moneys From Said Fund to the Capitol Building Interest and Sinking Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Treasurer of the State of Montana is hereby authorized to discontinue the maintenance of the State Treasurer's Vault Fund and to transfer the balance of the funds from the Twenty-five Thousand Dollar (\$25,000.00) Bond Issue amounting to Eight Thousand Seven Hundred Sixty-three Dollars and Sixty-four cents (\$8,763.64) now in the State Treasurer's Vault Fund to the Capitol Building Interest and Sinking Fund.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1927.

CHAPTER 36.

An Act to Amend Section 8933 of the Revised Codes of Montana of 1921 Relating to Salary and Mileage of Court Stenographers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8933 of the Revised Codes of Montana be amended to read as follows:

“Section 8933. Every stenographer appointed under the provisions of this chapter receives an annual salary of three thousand dollars, and no other compensation except as provided in section 8931, payable in monthly installments out of the general funds of the counties comprising the district for which he is appointed, according and in proportion to the number of civil and criminal actions entered and commenced in the district courts of such counties respectively in the preceding year; and it shall be the duty of the judge of such district, on the first day of January of each year, or as soon after as may be, to apportion the amount of such salary to be paid by each county in his district on the basis aforesaid. The stenographer is allowed, in addition to the salary and fees above provided, in judicial districts comprising more than one county, his actual and necessary expenses of transportation and living when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expenses to be apportioned and payable in the same way as the salary.”

Compensation
how payable.

Judge shall
apportion
salary.

Expenses of
transportation,
and living.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 24, 1927.

CHAPTER 37.

An Act Defining the Powers of State Stock Inspectors Inspecting Livestock on Removal From One County to Another Within the State of Montana; Authorizing the Seizure and Sale of Such Livestock Under Certain Conditions and Providing for the Disposal of the Proceeds Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. From and after the passage and approval of this Act, all state stock inspectors inspecting any livestock either before or after shipment or removal from one county to another within the state of Montana, shall, in addition to the powers heretofore granted them by law, possess the further authority to inspect and seize, either at the point of shipment or at destination, any livestock or the proceeds thereof, which said inspector may have reason to believe is stolen, or upon which brands have been altered or obliterated, or which does not conform to the description contained on the tally sheet furnished by the shipper thereof, or to the description contained in any certificate of inspection issued before shipment or removal of said livestock.

Authority to inspect and seize stolen property.

Section 2. Upon taking possession of any such livestock in the exercise of the authority granted by this Act, the inspector may retain same in his possession for not to exceed fifteen days at the expense of the owner, for the purpose of making further investigation relative to its ownership, or may either at once or at any time within said period of fifteen days, sell said livestock in the open market for the best available price and remit the proceeds, less the cost of keeping and sale, to the State Livestock Commission, together with a full description of the animal or animals sold, giving marks or brands, if any, and a statement of the reason for the seizure and sale thereof. Said proceeds shall be turned over by the Livestock Commission to the State Treasurer, and by the latter be deposited in the estray stock fund where it shall be subject to claim by the owner of the livestock in the same manner and for the same length of time as is provided by law for the making of claims against said fund.

Limit of possession.

May sell.

Proceeds to Livestock Commission.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in force from and after its passage and approval.

Approved Feb. 24, 1927.

CHAPTER 38.

An Act Relating to the Adjudication of Water Rights, Amending Section 7122 of the Revised Codes of 1921, and Adding to Chapter 26, Part IV of the Civil Code of Montana, a Section to Be Known as Section 7124a.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7122 of the Revised Codes of 1921, be, and the same is hereby amended to read as follows:

Not appearing
defendant's
rights.

“Section 7122. If the defendants, or any of them, do not appear, their adjudicated rights which are prior in time to plaintiff's right shall in nowise be affected by the court's order. The court shall in every case, if an appropriation be awarded plaintiff, provide that the same shall be subject to all adjudicated rights which are prior in time to plaintiff's rights, and the plaintiff shall be bound by the terms of all prior decrees with respect to water rights in the proper order of his priority as if he had been a party to the decree originally.”

Rights of
plaintiff.

Section 2. That there shall be added to Chapter 26, Part IV of the Civil Code of Montana a section to be known as Section 7124a, reading as follows:

Petition to
establish rights
under decree.

“Section 7124a. At any time after the entry of any decree, any person, not a party to such decree, who, prior to the entry of such decree, had or claimed a valid water right upon the stream or source of supply affected by such decree, or who subsequent to the entry of such decree has made a valid appropriation of water from said stream or source of water supply affected by such decree, may petition the court which entered such decree for an order making him a party to such decree and establishing his right thereunder, and in relation to the other rights affected by such decree. Upon filing such petition, such notice shall be given and procedure had as is provided in sections 7119, 7120, 7121, 7122, 7123 and 7124 of this Code.”

Notice.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1927.

CHAPTER 39.

An Act to Amend Section 8273 of the Revised Codes of Montana of 1921, Relating to Mortgages, Deeds of Trust or Assignments for the Benefit of Creditors by Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8273 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 8273. All mortgages, deeds of trust, or assignments for the benefit of creditors, of both real and personal property, executed by a corporation, are governed by the law relating to mortgages, or deeds of trust of real property and must be recorded in the office of the County Clerk of every county where any part of said property is situated, and the same are valid, notwithstanding the possession of such property is retained by such corporation, but any such mortgages, deeds of trust, or assignments for the benefit of creditors must be accompanied by the affidavit of good faith required to accompany mortgages of personal property, which said affidavit may be made on behalf of any such corporation by the President, Secretary or Managing Agent thereof.”

Recording.

Affidavit.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1927.

CHAPTER 40.

An Act Authorizing the Montana Pioneers' Association to Erect a Monument on the State Capitol Grounds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. WHEREAS, the Montana Pioneers' Association is desirous of erecting a suitable monument on the Capitol Grounds in commemoration of the early pioneers of this State;

NOW, THEREFORE, permisison is hereby granted to said Pioneers' Association to erect such a monument of suitable and appropriate design and structure, within the grounds of the State Capitol at Helena, Montana, at such point thereon as may be selected by said Association, subject, however, to the approval of the State Board of Examiners.

Approved Feb. 24, 1927.

CHAPTER 41.

An Act to Prevent the Deposit or Leaving of Earth, Rock, Gravel or Other Hard Substances on Railway Tracks at the Intersection of Highways or Other Places and Providing Penalties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person who, within the State of Montana while engaged in public or private road work, or otherwise, and whether wilfully, carelessly or negligently, leaves or deposits any earth, gravel, rock, or other hard substances, alongside of, upon, or between, the rails of any railroad, where any public or private highway crosses such railroad which will, by filling the grooves for the flanges of the wheels or otherwise endanger travel on such railroad and which may tend to or does derail locomotives or cars thereon shall be guilty of a misdemeanor and on conviction shall be fined not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail not more than six (6) months, or both such fine and imprisonment.

Deposits near
railroad.

Penalty.

Section 2. All Acts and parts of Acts that conflict herewith are hereby repealed.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 42.

An Act Relating to the Return of Sale of Real Estate under a Decree of Court, and Providing the Manner of Recording such Return.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Where Real Estate is sold under a decree of court, return of such sale shall be made, and filed in the office of the Clerk of Court. The Clerk shall record the return so made, the same as if it were to an execution wherein a levy upon Real Estate had been made; provided, that where the return contains a true copy of the decree of court under which such sale was made, the Clerk shall record all of the return except such copy of the decree, and in lieu of recording such copy, shall insert in the record the following:

Return of sale.

Recording.

“The original Judgment and Decree, the true copy which is set forth in this return, is recorded in Judgment Book....., at pages.....to....., inclusive, thereof.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 43.

An Act to Amend Section 2114 of the Revised Codes of Montana of 1921, Relating to Powers of the County Board to Equalize Assessments and Providing for a Time for Hearing upon said Assessments and Notice to the Taxpayers of the Decision of said County Board after such Hearing.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2114 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 2114. The Board has power, after giving notice in such manner as it may by rule prescribe, to increase or lower any assessment contained in the assessment book, so as to equalize the assessment of the property contained therein, and make the assessment conform to the true value of such property in money, and immediately after reaching a decision the Board shall notify the taxpayer, in writing, of such decision, specifying the change, if any, made in the assessment; said notice to be given by registered mail, addressed to the taxpayer at his last known place of residence.”

Board may
change
assessment.

Notice to
tax payer.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 26, 1927.

CHAPTER 44.

An Act to Amend Sections 3158 and 3166 of the Revised Codes of the State of Montana as Amended by Chapter 171 of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana, 1925, Relating to the Regulation of the Practice of Optometry, and to Prevent Ignorant, Unprofessional, or Incompetent Persons from Practicing Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3158 of the Revised Codes of the State of Montana of 1921, as amended by Chapter 171 of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

“Section 3158. Said Board shall choose at its first regular meeting, and annually thereafter, one of its members president and one secretary thereof, who severally shall have the power during their term of office to administer oaths and take affidavits, certifying thereto under their hands and the seal of the Board. Said Board shall meet at least once in each year at Helena, or some other place designated by the President, on the fourth Monday of July for the purpose of giving examinations in Optometry, and in addition thereto, whenever, and wherever the president and secretary thereof shall call a meeting. The secretary of said Board shall keep a full record of the proceedings of said Board, which records shall at all reasonable times be open to public inspection.”

Officers of
meeting.

Place and
time for
meetings.

Records.

Section 2. That Chapter 226 of Part 111, of the Political Codes of the Revised Codes of Montana, 1921, as amended by Chapter 171 of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended by the addition of a new Section, to be known as “Section 3166-A” to read as follows:

“Section 3166-A. Second Revocation. Any optometrist convicted a second time for violation of the provisions of this Chapter or whose certificate of registration or examination has been revoked a second time shall not be permitted to practice optometry in this state.”

Penalty for
violation.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 45.

An Act to Amend Section 7147 of the Revised Codes of Montana, of 1921, as amended by Chapter 11 of the Session Laws of the Eighteenth Legislative Assembly, Relating to the Apportionment of Fees and Expenses of Water Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7147 of the Revised Codes of Montana and of 1921, as amended by Chapter 11 of the Session Laws of the Eighteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

Report of
Commissioner.

Notice of fees
and expenses.

Affidavit of
mailing.

“Section 7147. Apportionment of Fees and Expenses.

Upon the filing of the report by the water commissioner, or water commissioners, the Clerk of Court shall forthwith notify each person mentioned in such report, by letter, of the amount he is made liable for by such report, and that objections to such report, and the amount so taxed against him, may be made by any person interested therein, within twenty days after the date of the mailing of said notice, and unless objections thereto are filed, an order will be made by the Judge of said Court finally fixing and determining the amount due from each of said water users. The affidavit of the Clerk that he has mailed a notice to each person mentioned in the report at such person's last known post office address, in the usual manner, shall be deemed prima facie evidence that the person received that notice provided for in this section.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 46.

An Act to Amend Section 5250 Revised Codes of Montana 1921, Relating to the Manner of Making Payments Under Contracts for Improvements in Special Improvement Districts in Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5250 Revised Codes of Montana 1921 be, and the same is hereby amended so as to read as follows:

“Section 5250. Payment Under Contracts. The city or town council may provide for making payments for improvements in any special improvement district in one of the two following methods:

Method for
payments.

1. The council may provide in the contract for the making of the improvements that such contract shall be payable in bonds or warrants issued under the provisions hereof, and that such bonds or warrants shall be delivered to the contractor, or contractors, either in installments as the work progresses, or upon the entire completion thereof; provided, however, that no bonds or warrants must be delivered to the contractor or contractors in excess of the amount of work actually done at the time of delivery, nor shall the total amount issued be in excess of the total cost and expense of the improvements, and no bond or warrant shall be delivered or received in payment of a less sum than its face value.

Bonds or
warrants.

2. The city or town council may sell bonds or warrants issued under the provisions hereof, in an amount sufficient to pay that part of the total cost and expense of making the improvement which is to be assessed against the property within the district, to the highest and best bidder therefor for cash, and may use the proceeds of such sale in making payment to the contractor, or contractors, and such payment may be made either, from time to time, on estimates made by the engineer in charge of such improvements for the city or town, or upon the entire completion of the improvements and the acceptance thereof by the city or town council.

Sale of bonds
and warrants.

When it becomes necessary to pay for private property taken for the opening, widening or extending of any street, avenue, or alley, or to pay any amount awarded or recovered on account of damages to any

Payment for
damages.

property caused by the making of any improvements, in money in cases where the person whose property is so taken or damaged refuses to receive his pay in warrants or bonds, then the council shall have the power, under such regulations as it may prescribe, to sell such bonds or warrants, for not less than par, and devote the moneys derived therefrom to the payment of the damages assessed or agreed upon for such property or the damages thereto."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect on and after its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 47.

An Act Authorizing Counties, School Districts, Public Libraries, Hospitals, Cemeteries, and Other Public Institutions to Receive Gifts, Donations, Grants, Devises or Bequests of Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All counties, all school districts, and all public libraries, hospitals, cemeteries and other public institutions are hereby granted the power and authority to accept, receive, take, hold and possess any gift, donation, grant, devise or bequest of property, real or personal, and the right to own, hold, work and improve the same.

Section 2. The provisions of Sections 5043 and 5044, R. C. M. 1921, are hereby made expressly applicable to gifts, donations, grants, devises and bequests of real or personal property to officers and boards of the public corporations and institutions mentioned in the preceding section of this Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 48.

An Act to Amend Section 443 of the Revised Codes of the State of Montana and Chapter 124 of the Eighteenth Legislative Assembly, Amending Said Section Relative to the Allowance of Traveling or Other Expenses of State, County, City, School District, Officers or Employees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 443 of the Revised Codes of the State of Montana, 1921, as amended by Chapter 124 of the Laws of the Eighteenth Legislative Assembly be amended so as to read as follows:

“Section 443. Hereafter no state, county, city or school district officer or employee of the State, or of any county or city, or of any school district, shall receive payment from any public funds for traveling expenses or other expenses of any sort or kind for attendance upon any convention, meeting or other gathering of public officers, save and except for attendance upon such convention, meetings or other gatherings as said officer may by virtue of his office be required by law to attend, provided, that nothing herein shall prohibit the State Board of Examiners from authorizing the payment of the necessary traveling expenses of any state officer or employee, whenever in the judgment of said Board public interest requires, and provided further that the board of trustees of any county or district high school or of any school district may by resolution adopted by a majority of entire board make their district a member of any State Association of School Districts or School District Trustees, and authorize the payment of the dues to such Association, and the necessary traveling expenses of an employee, or one member of said board, to attend meetings of such Association, or other meetings called for the express purposes of considering educational matters. Provided, further, one member of board of county commissioners may be allowed actual transportation expenses and per diem for attendance upon any general meeting of county commissioners or assessors held within the State not oftener than once a year and the proportionate expenses and charges against each county as a member of such association shall also be paid.

Expenses for attendance at conventions.

Association dues for expenses.

Expenses of commissioners.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act to be in force and effect from and after its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 49.

An Act Prohibiting Proprietors, Managers or Employees of Public Dance Halls to Permit Minors Under the Age of Sixteen Years to Frequent Such Halls.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every owner, proprietor, manager or employee of a public dance hall or a place where public dances are held, who encourages or permits a minor under the age of sixteen years to be, remain in, or frequent such hall or place while a public dance is in progress, without being accompanied by his or her parent or legal guardian, shall be guilty of a misdemeanor.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 50.

An Act Requiring All Persons, Firms, Co-Partnerships, Corporations and Associations Operating Any Public Warehouse or Warehouses and Holding Themselves Out to the Public as Receiving Agricultural Seeds for Storage From the Public to Secure a License and Furnish a Bond and Prescribing the Powers and Duties of the Commissioner of Agriculture.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all persons, firms, co-partnerships, corporations and associations operating any public ware-

house or warehouses in this State and which hold themselves out to the public as receiving agricultural seeds of any kind for storage for the public shall, on or before the first day of July of each year, pay to the State Treasurer of Montana a license fee in the sum of Fifteen Dollars (\$15.00) for each and every warehouse, elevator or other place owned, conducted or operated by such person or persons, firm, co-partnership, corporation or association wherein agricultural seed of any kind is received and stored, and upon the payment of such fee of Fifteen Dollars (\$15.00) for each and every warehouse, elevator or other place where agricultural seed is received and stored within the State of Montana, the Commissioner of Agriculture shall issue to such person or persons, firm, co-partnership, corporation or association a license to engage in the storing of agricultural seed at the place designated within the State of Montana, for a period of one year.

License fee
for warehouses.

Issuance of
license.

Section 2. Each such person, firm, co-partnership, corporation or association subject to the provisions of the Act shall, on or before the first day of July of each year, give a bond with good and sufficient sureties to be approved by the Commissioner of Agriculture to the State of Montana, in such sum as the Commissioner may require, conditioned upon the faithful performance of the acts and duties enjoined upon them by law. Any person, firm, association or corporation who shall commence the business aforesaid after the first day of July of any year shall be required to pay said license fee and furnish such bond before engaging in or carrying on any such business.

Surety bond.

Section 3. Any person, firm, co-partnership, corporation or association who shall engage in or carry on any business or occupation for which a license is required by this Act without first having procured a license therefor, or who shall continue to engage in or carry on any such business or occupation after such license has been revoked, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), and each and every day that such business or occupation is so carried on or engaged in shall be a separate offense.

Penalty.

Section 4. The term "agricultural seeds" as used in this Act shall be held to mean and include the seeds of red clover, white clover, alsike, alfalfa, Kentucky blue-

Definition of
"agricultural
seeds."

grass, timothy, brome grass, orchard-grass, redtop, meadow fescue, oatgrass, rye-grass, and other grasses and forage plants, corn, rape, buckwheat, beans, peas, and registered or certified seed grains in bags.

No discrimina-
tion.

Section 5. Every warehouseman subject to the provisions of this Act shall receive for storage without discrimination of any kind so far as the capacity of his warehouse will permit all agricultural seeds tendered to him in the usual course of business in suitable conditions for storage providing, however, that he shall not be obliged to receive any agricultural seeds other than those which he holds himself out as dealing in and which he is equipped to handle.

Rules and
regulations.

Section 6. The Commissioner of Agriculture shall prescribe such rules and regulations as he may deem necessary for the safe conduct of the business referred to in this Act and to that end may if he deems it necessary, require reports from said warehouseman on blanks or forms that may be prepared by him and shall prescribe the form and contents of the warehouse receipt which shall be issued and delivered to the owner of such agricultural seeds, or his representative, upon the receipt of such agricultural seed. Among other things, said receipt shall indicate whether the agricultural seed is fancy, good, fair or poor.

Warehouse
receipts.

Bailment.

Section 7. The storage of agricultural seed under the terms of this Act shall constitute a bailment and not a sale and upon the return of the warehouse receipt to the proper warehouseman properly endorsed, and upon payment or tender of all advances and legal charges the holder of such warehouse receipt shall be entitled to, and it shall be compulsory for the warehouseman to deliver to such owner and holder of the warehouse receipt, the identical agricultural seed so placed in said warehouse for storage.

Issuance of
receipts.

Additional bond
for seed or
grain.

Section 8. None of the provisions of this Act shall be construed as requiring an additional license from a public warehousemen or other person, corporation or association, who is licensed to handle or store grain, but if any person, firm, co-partnership, corporation or association holding a license to handle or store grain shall also choose to engage in the business of storing any agricultural seed for the public it shall be necessary to furnish such additional bond as the Commissioner of

Agriculture shall determine, and in the storage of such agricultural seed such person, firm, co-partnership, corporation or association shall be subject to the terms and conditions of this Act.

Section 9. Co-operative Associations or Co-operative Corporations when licensed to handle agricultural seeds as herein provided may reserve sufficient storage space to provide for the storage of such agricultural seeds that may reasonable be expected to be tendered for storage by their members before receiving seeds for storage from non-members. If for any reason the preceding part of this section shall be declared invalid, then cooperative associations and co-operative corporations when licensed to handle agricultural seeds shall be subject to the same terms and conditions as others licensed to handle seeds as in the other parts of this Act provided and the remaining parts of this act shall not be affected.

Co-operative
associations or
corporations.

Section 10. All Acts, and parts of Acts in conflict herewith are hereby repealed.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 51.

An Act to Amend Chapter 144 of the Session Laws of the 19th Legislative Assembly of Montana of 1925, Relating to the State Horticultural Revolving Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 144 of the Acts of the 19th Legislative Assembly of Montana of 1925 be, and the same is hereby amended to read as follows:

"Section 1. The State Treasurer and State Auditor are hereby directed to open and maintain upon their respective books of accounts a fund to be known as the State Horticultural Revolving Fund, in which shall be placed the following moneys, to-wit:

Horticultural
fund.

"1. Such sums as the Legislature may from time to time appropriate for the use of said fund.

Appropriations.

Moneys
collected by
commissioner.

"2. All moneys collected by either the Commissioner of Agriculture or by the County Treasurer under the authority of Section 3617 of the Revised Codes of Montana of 1921, where the expense incurred was paid by warrants drawn on the said State Horticultural Revolving Fund.

Moneys now.

"3. All moneys in said fund at the time of the passage and approval of this Act.

Refunds.

"4. All moneys heretofore expended from said fund, which shall be hereafter returned thereto.

Purpose of
fund.

"Such fund shall be maintained as a revolving fund for the use of the Division of Horticulture of the Department of Agriculture, Labor and Industry, out of which shall be paid such claims as may be approved by the Commissioner of Agriculture and the Board of Examiners for labor and for other expenses incurred for the removal of infected trees."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 52.

An Act to Amend Section 103 of the Revised Codes of Montana of 1921, Relating to the Certification, Entitling and Numbering of Initiative and Referendum Measures; Requiring the Printing of All Such Measures and of All Proposed Constitutional Amendments on the Official Ballot Prescribed by Sec. 678 R. C. M. 1921, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 103 of the Revised Codes of Montana of 1921 be, and the same is, hereby amended to read as follows:

Certified copies
of names.

"Section 103. The Secretary of State, at the same time that he furnishes to the county clerk of the several counties certified copies of the names of the candi-

dates for office, shall also furnish the said county clerks his certified copy of the titles and numbers of the various measures to be voted upon at the ensuing general or special election, and he shall use for each measure a title designated for that purpose by the legislative assembly, committee, or organization presenting and filing with him the act, or petition for the initiative or the referendum, or in the petition or act; provided, that such title shall in no case exceed one hundred words, and shall not resemble any such title previously filed for any measure to be submitted at that election which shall be descriptive of said measure, and he shall number such measures. All measures shall be numbered with consecutive numbers beginning with the number immediately following that on the last measure filed in the office of the Secretary of State. The Affirmative and negative of each measure shall bear the same number, and no two measures shall be numbered alike. It shall be the duty of the several county clerks to print said titles and numbers on the official ballot prescribed by Section 678 of the Revised Codes of Montana 1921, in the numerical order in which the measures have been certified to them by the Secretary of State. Measures proposed by the initiative shall be designated and distinguished from measures proposed by the legislative assembly by the heading "Proposed Petition for Initiative."

Titles of measures.

Proviso.

Numbering.

Printing of titles.

Proposed measures.

All constitutional amendments submitted to the qualified electors of the State shall likewise be placed upon the official ballot prescribed by said section 678 and no such amendment shall hereafter be submitted on a separate ballot. Nothing herein contained shall be deemed to change the existing laws of the State regulating in other respects the manner of submitting such proposed amendments.

Constitutional amendments.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect upon its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 53.

An Act to Amend Section 831, Revised Codes, 1921, Relating to the Appointment of Members of the State Board of Education and Providing Regulations and Restrictions for Their Appointment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 831 of the Revised Codes of 1921, be and the same is hereby amended to read as follows:

Appointment of board.

How appointed.

Terms of office.

Proviso.

“Section 831. The Governor shall appoint, by and with the advice and consent of the Senate, the remaining eight members of the Board. Such appointments shall be made in the following manner:—The appointees shall be equally divided between the First and Second Congressional Districts of the State of Montana and shall be so selected that not more than four of such members are affiliated with the same political party or organization. Upon the expiration of the term of any present member or members of the Board, appointment shall be made in such manner as to carry into effect the foregoing provisions of this Act.

“The terms of office for members so appointed upon the Board shall be four years, and until their successors are appointed and qualified; provided that any appointment to fill a vacancy occurring before the expiration of the term of the incumbent shall be filled for the remainder of such term only, and by a person a resident of the Congressional District and a member of the political party or organization required to equalize the appointed members of the Board, between territory and political party or organization, as in the case of a full term appointment.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 54.

An Act to Amend Section 4465 Revised Codes of Montana 1921, As Amended by Chapter 95 of the Laws of the Eighteenth Legislative Assembly, Relating to the General and Permanent Powers of the Board of County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4465 Revised Codes of Montana 1921, as amended by Chapter 95 of the Laws of the Eighteenth Legislative Assembly, be, and the same is hereby amended so as to read as follows:

"Section 4465. General and Permanent Powers. The Board of County Commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law:.

Powers of
commissioners.

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, charged with assessing, collecting, safe keeping, management, or disbursement of the public revenues; see that they faithfully perform their duties; direct prosecutions for delinquencies; and, when necessary, require them to renew their official bonds, to make reports, and to present their books and accounts for inspection;

Supervise
officers.

2. To divide the counties into township, school, road, and other districts required by law, change the same, and create others as convenience requires, by consolidation of two (2) or more townships, or otherwise;

Divide counties
in districts.

3. To establish, abolish, and change election precincts, and to appoint judges of election, canvass all election returns, declare the result, and issue certificates thereof;

Election
precincts.

4. To lay out, maintain, control, and manage public highways, ferries and bridges, within the county, and levy such tax therefor as required by law; provided, however, that they may, in the exercise of a sound discretion, jointly with other counties, lay out, maintain, control, manage, and improve public highways, ferries, and bridges in adjacent counties, wholly or in such part, as may be agreed upon between the Boards of County Commissioners of the counties concerned, and levy taxes therefor as provided by law;

Public
highways.

- Sick. 5. To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; erect and maintain hospitals therefor, or otherwise provide for the same; and to levy the necessary tax therefor, per capita, not exceeding Two Dollars, (\$2.00) and a tax on property not exceeding three-fifths (3-5) of one per cent, (1%) or either of such levies when both are not required, and to expend not to exceed five per cent (5%) of any such levy for the collection of said tax, or of any part thereof;
- Support of poor. 6. To provide a farm for the support of the poor of the county, and make regulations for working the same;
- County buildings. 7. When there are no necessary county buildings, to provide suitable rooms for county purposes;
- Obtain property for public use. 8. To purchase, receive by donation, or lease any real or personal property necessary for the use of the county, preserve, take care of, manage, and control the same; but no purchase of real property must be made unless the value of the same has been previously estimated by three (3) disinterested citizens of the county appointed by the District Judge for that purpose, and no more than the appraised value must be paid therefor;
9. To cause to be erected and furnished a court house, jail, hospital, and such other public buildings as may be necessary;
- Sale of real property. 10. To sell at public auction at the court house door, after thirty (30) days' previous notice given by publication in a newspaper published in the county, said notice to be published once a week for four (4) successive weeks, and posted in five (5) public places in the county, and convey to the highest bidder for cash, or on such terms as the Board of County Commissioners may approve, any property, real or personal, not necessary in the conduct of the county business, belonging to the county; but no such sale of real property must be made unless the value of the same has been appraised by three (3) disinterested citizens of the county appointed by the District Judge for that purpose, within three (3) months prior to the date of said sale and no such sale for cash or on terms shall be made for less than the appraised value of said property; provided, that in case such sale is made on terms other than for cash, no such sale of county property shall be made except at
- Appraisal.
- How sold.

least one-eighth (1-8) of the purchase price so bid therefor be paid in cash at the date of sale; and provided further, that no deferred payment or payments shall extend for a period of more than eight (8) years, and that all such deferred payments shall bear interest at the rate of six per cent (6%) per annum, payable annually; and provided further, that no title to the said property so sold shall pass from the county to such purchaser or his assigns until the full amount of such purchase price has been paid therefor and the proceeds thereof paid into the County Treasury for the use of the county. The said appraisers shall be compensated at the rate of Eight Dollars (\$8.00) per day for each day necessarily expended in making such appraisal;

11. At the regular meetings of the board, to examine and allow the accounts of all officers having the care, management, collection or disbursement of moneys belonging to the county, or appropriated by law or otherwise for its use and benefit;

Accounts of moneys.

12. At the regular meetings of the board to examine, settle, and allow all accounts legally chargeable against the county except salaries of officers, and order warrants to be drawn on the County Treasurer therefor, and provide for the issuing of the same;

Warrants.

13. To levy such tax annually on the taxable property of the county for county purposes as may be necessary to defray the current expenses therefor, including salaries otherwise unprovided for, not exceeding sixteen (16) mills on each dollar of the assessed valuation for any one (1) year; and to levy such taxes as are required to be levied by special or local statutes;

Taxation.

14. To equalize the assessments;

Assessments.

15. To direct and control the prosecution and defense of all suits to which the county is a party;

Suits.

16. To insure the county buildings in the name of and for the benefit of the county;

Insurance.

17. To grant licenses for keeping ferries, and such other licenses as are provided by law;

Licenses.

18. To fix the compensation of all county officers not otherwise in this code or by general or special law fixed, and provide for the payment of the same;

Compensation of officers.

Fill vacancies. 19. To fill by appointment all vacancies that may occur in county, township, or precinct offices, except in the office of County Commissioner;

Printing. 20. To contract for the county printing, and provide books and stationery for county officers;

List of claims. 21. At the adjournment of each session of the board to cause to be published in a newspaper, a complete list of all claims ordered paid for all purposes showing name, purpose and amount and a fair summary of the minutes and records of all of its proceedings, and also to be published annually in a newspaper the County Clerk's annual statement of the financial condition of the county; and provided that publication of such minutes and record of proceedings must be made within twenty-one (21) days after the adjournment of the session, and publication of the financial statement must be made within thirty (30) days after the presentation of the same to the Board of County Commissioners, and the Board of County Commissioners shall not allow or order paid any claim for any such publication of minutes and record of proceedings or annual financial statement unless made within the time herein prescribed therefor;

Statement of financial condition.

County representative. 22. To represent the county, and have the care of the county property, and the management of the business and concerns of the county in all cases where no other provision is made by law;

Enforce rules and preserve order. 23. To make and enforce such rules for its government, the preservation of order, and the transaction of business, as may be necessary;

Seal. 24. To adopt a seal for the board, a description and impression whereof must be filed by the clerk in the offices of the County Clerk and Secretary of State;

25. To perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the county government;

Borrow money. 26. To borrow money upon the credit of the county to meet current expenses, if the county revenue is insufficient;

Bonds for building funds. 27. To issue on the credit of the county coupon bonds to an amount sufficient to secure the necessary

funds for the procurement of necessary building sites, for the construction of necessary public buildings, and for the construction of bridges and highways, in accordance with the provisions of Articles III and IV, Chapter II, Title II, Part IV of the Political Code.”

Approved Feb. 26, 1927.

CHAPTER 55.

An Act to Amend Section 4527, of the Revised Codes of Montana, 1921, Relating to the Furnishing of Medical Attendance to the County Poor; Authorizing the Employment of County Health Officers and Deputies and Empowering Adjacent Counties to Employ Special Deputy Health Officers under Certain Circumstances.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4527 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

“**Section 4527. Contract for Medicines and Medical Attendance.** The board must annually, at their December meeting, make a contract with some resident practicing physician to furnish medical attendance to the sick, poor, and infirm of the county, and to the inmates of the county jail, and must also make provision for the furnishing of medicine to the same; provided, however, that the board may let such contract for the furnishing of medical attendance to the physician appointed by such board as County Health Officer, and may fix a salary or other rate of compensation to be paid to such County Health Officer for the furnishing of such medical attendance, which salary or other compensation shall be in addition to the salary of such physician as County Health Officer. Said board may also, when in its judgment the interests of the county require, appoint a Deputy County Health Officer who need not be a resident of the county but who shall be located at a point where he can serve people living in a portion of said county adjacent to his point of residence. The Boards of County Commissioners of two or more adjacent counties may also, when in their opinion the needs of the county poor living at a distance from the residence of the

Contracts for medicines and medical attendance.

Salaries.

Health officer.

Counties may join.

Special deputy. County Health Officer, will be better served by such an arrangement, unite in employing a special deputy county health officer whose duty it shall be to attend to the needs of the county poor in any designated part of said adjacent counties.

Compensation. The County Commissioners of the several counties uniting in such an arrangement shall fix the compensation of such special deputy and such several counties shall bear the cost of same on some equitable division."

Section 2. This Act shall take effect upon its passage and approval.

Approved Feb. 26, 1927.

CHAPTER 56.

An Act Legalizing all Elections Heretofore Held Authorizing the Issuance of Bonds by any County of this State, to Create or Increase any Indebtedness of such County where such Election was not Called upon the presentation of a Petition by Twenty Per Cent of the Tax Paying Electors of the County and was Participated in and the Question was Submitted to a vote of the Electors Rather than to the Registered Electors whose Names Appeared upon the Last Preceding Assessment Roll as Required by Chapter 98 of the Laws of 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Issuance of bonds.

Section 1. That all elections heretofore held authorizing the issuance of bonds of any county of the State of Montana to create or increase any indebtedness of such county where such election was not called upon a petition of twenty per cent of the qualified registered electors who are taxpayers upon property within said county and where the election was participated in, and the question was submitted to a vote of the electors rather than to the registered electors whose names appeared upon the last preceding assessment roll as required by Chapter 98 of the Laws of 1923, are hereby declared to be valid and legal and such bonds when issued and sold are hereby declared to be legal and binding obligations of such county issuing the same pro-

When legal.

viding that the proposition to create or increase said indebtedness and to issue said bonds received a majority of all votes cast upon the proposition at the election when the proposition was voted upon, and provided further that all other requirements of law have been fully complied with.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1927.

CHAPTER 57.

An Act Prescribing the Powers, Duties and Limitations and Providing for the Incorporation, Management, operation, control and supervision of Building and Loan Associations, and all Corporations, Persons, Firms, Partnerships, Associations, Trustees or Combinations or Persons, Whatsoever Whether Foreign or Domestic, that Transact, or Attempt to Transact, a Building and Loan Business, or a Business of Like Kind or Character: Procedure for Admission into this State of those of Foreign Origin or Citizenship, the Security Required of them and Reciprocal Provisions as Between this and Other States and Nations: Impairment of Capital of and Procedure in Voluntary and involuntary Liquidation: Placing all under the Supervision of the Superintendent of Banks and Prescribing the Powers, Duties, and Obligations of such Official: Prescribing penalties: and to Repeal Sections 6355 and 6358 (as Amended) and all of Sections 6356, 6357, 6359, 6360, 6361, 6362, 6363, 6364, 6365, 6366, 6367, 6368, 6369, 6370, 6371, 6372, 6373, and 6374 of the Revised Codes of Montana of 1921, Section 1, 2 and 3 of Chapter 108 and Sections 1, 2, 3, and 4, of Chapter 111 of the Session Laws of the 18th Legislative Assembly and Sections 1, 2, and 3 of Chapter 101 and Sections 1, 2 and 3 of Chapter 104 of the Session Laws of the 19th Legislative Assembly and all Acts and Parts of Acts in Conflict herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Purpose—Definition:** A corporation, mutually operated, for the purpose of encouraging home

Definition.
Purpose.

building and thrift among its shareholders and loaning substantially all of its funds to them on real estate mortgage security, shall be known in This Act as a building and loan association, and shall be under the supervision of the State Examiner and ex-officio Superintendent of Banks, whose duty it shall be to enforce all laws with respect thereto. Such associations shall have continual succession and shall be organized under and governed solely by the provisions of This Act.

Articles of
incorporation.

Section 2. Articles of Incorporation—Contents: Whenever any number of persons, not less than Five (5), shall desire to incorporate a building and loan association, having for its object the conduct and operation of such an association as defined in This Act, they shall prepare and file articles of incorporation to that effect in the manner in This Act specified; such articles shall be signed, sealed and acknowledged in the form now provided by the statutes of this state for the conveyance of real estate, and shall include the following:

Name.

1. The name of the association. The name shall not be the same as, nor too closely resemble, that in use by any existing corporation established under the laws of this state. The words "Building and Loan Association" shall form a part of the name, and no corporation not organized under This Act shall be entitled to use a name embodying said combination of words; provided, that the associations now existing may continue their present names;

Place of
business.

2. The principal office, or place of business of the association shall be within this state;

Capital stock
and division.

3. The amount of its capital stock and the number of shares into which the same shall be divided; such capital stock shall be divided into shares having a par value of One Hundred Dollars (\$100.00).

4. A provision that such association is organized under This Act for the purposes herein expressed;

Incorporators.

5. The names and residences of the persons who subscribed and acknowledged the said declaration, a majority of whom shall be citizens of this state, and shall thereafter be called incorporators.

Certified copy.

Section 3. Certified Copy of Articles Prima Facie Evidence: A certified copy of any articles of incor-

poration filed in pursuance of This Act, must be received in all courts and other places as prima facie evidence of the facts therein stated.

Section 4. Evidence of Corporate Existence or Capacity: The certificate issued by the Secretary of State in pursuance of Section Seven of This Act, or a certificate issued by the Superintendent of Banks setting forth that any association, domestic or foreign, has fully complied with the provisions of This Act and is lawfully authorized to transact business in this State shall be admitted in evidence in all courts in this State, and shall be prima facie evidence of the corporate character and capacity of such association and of its right to transact business in this State, excepting in an action prosecuted by the state in the nature of quo warranto.

Certificate of
Secretary of
State.

Section 5. By-laws: Contemporaneously with or immediately following the execution of said articles of incorporation provided for in Section Two above, the incorporators then acting in the capacity of directors shall adopt appropriate by-laws to govern and prescribe the methods and the officers by whom the business of the association shall be conducted. The by-laws shall be in conformity with the provisions of This Act, and at all times during the regular hours of business shall be open to the inspection of the members at its principal place of business. The by-laws, among other things, shall especially provide for the character and method of conducting the business of the association, with rules governing the addition of members, the sale of its shares, the amount of membership fee; provide for the annual meeting of the shareholders; for the annual election and qualification of directors and for the term or period during which the directors shall serve; provided that the said term or period for all directors shall not be less than one nor more than three years, and that the directors shall be so elected that as near as possible the term of an equal number shall expire each year; for the appointment of officers; for the adoption, ratification and amendment of the by-laws and which adoption, ratification and amendment may be made either by the stockholders or board of directors; for the method of voting at such annual meeting and for the periodical investigation of the business and condition of such association. Provided, however, that no by-laws and no change or amendment thereof shall be effective until first approved by the Superin-

By-laws.

What to
contain.

tendent of Banks, and provided further, that no association shall commence the transaction of business as such until the by-laws are first approved by the Superintendent of Banks.

Definition of
capital stock.

Investigation
by Superinten-
dent of Banks.

Certificate of
satisfaction.

Section 6. **Capital Stock Defined—Investigation:** The capital stock named in the articles of incorporation shall be deemed to refer to the authorized capital stock and the organization may be completed and business commenced when five per cent thereof is subscribed and not less than Twenty Five Hundred Dollars (\$2500.00), paid in, in cash and such amount must thereafter be maintained; and provided further that whenever such articles of incorporation are in due form and regularly executed and the by-laws have been duly approved as above required and it shall be made to appear to the satisfaction of the Superintendent of Banks that five per cent of the authorized capital has actually been paid in cash upon the subscription of shares, the Superintendent of Banks shall thereupon ascertain from the best sources of information at his command the responsibility, character and general fitness of the incorporators, and that there is a reasonable need for the existence of such an association, and that the public convenience and advantage will be promoted thereby. If the Superintendent of Banks shall not be satisfied with the result of his investigations of the matters above specified, he shall, within sixty days (60) after said articles of incorporation and by-laws have been presented to him, refuse to issue the certificate hereinafter described. If he shall be satisfied with the result of his said investigations, he shall within sixty days (60) after said articles of incorporation and by-laws have been presented to him, issue under his hand, and official seal, a certificate reciting in substance the filing in his office of the articles of incorporation and by-laws; that said articles and by-laws conform to all the requirements of this Act; that he has approved the same and that he verily believes that the incorporators are fit and proper persons to conduct the business of a building and loan association as defined in this Act and said by-laws and that there is a reasonable need for the existence of said building and loan association, and that the public convenience and advantage will be promoted thereby. Said certificate shall be made in quadruplicate and attached to each copy of the articles of incorporation, one of which shall be retained by

the Superintendent of Banks, the other three shall be returned to the incorporators who shall forthwith file one copy thereof in the office of the Secretary of State, one in the office of the Clerk and Recorder of the county in which the principal place of business of said association is located and the other shall be retained by the association. Immediately upon the receipt of said certified copy, the Secretary of State shall issue a certificate of incorporation, whereupon the incorporation of said association shall be deemed complete.

Certificate of
incorporation.

Section 7. Directors—Duties. The conduct and management of the affairs and business of such association shall be vested in a board of directors which shall consist of not less than five (5), nor more than nine (9), members. The incorporators of the association shall serve as directors until the first meeting of the stockholders to be held at the time provided for by this Act, or until their successors are elected and qualified, after which, the directors shall be elected by the stockholders of the association in accordance with the provisions of this Act and the by-laws of the association. The directors, unless it is otherwise provided by the by-laws of the association, shall elect or appoint all the officers of the association. Such directors when appointed or elected shall file with the Superintendent of Banks their oath of office, as provided in election or appointment of bank directors. Meetings of the Board of Directors must be held at least once each month.

Directors and
their duties.

Section 8. Removal from Office. No director shall be removed from office except as herein provided, or by a vote of the stockholders holding two-thirds of the capital stock, at a general meeting held after previous notice given in the manner provided in Section 10 of this Act. Meetings of the stockholders for this purpose may be called by the president, or by a majority of the directors, or by stockholders holding not less than twenty-five per cent of the capital stock.

Removal of
directors from
office.

Section 9. Meetings of Stockholders and Directors.

(a). The meetings of the stockholders of a Montana building and loan association must be held at its office or principal place of business in this State.

Meetings of
stockholders
and directors.

(b). In its by-laws such association shall provide for at least one regular meeting of stockholders annually. Notice of any meeting, whether regular or special, shall

be given by the secretary in accordance with Section 10 of this Act. The board of directors shall have the right to call a special meeting at any time. The board of directors must also call a special meeting whenever petitioned so to do by stockholders owning at least twenty-five per cent of the issued stock. The secretary shall call special meetings in the same manner as provided in Section 10 of this Act.

Notices.

Section 10. **Notice of Meetings.** At least thirty (30) days prior to any annual or special meeting of any such association a notice stating the time and place of such meeting shall be deposited in the post office at the principal place of business of such association directed to each member at his address, as the same appears at the time on the books of the association, and when so deposited, postage prepaid, shall be deemed a legal and sufficient notice of any such meeting: provided also that in addition thereto notice may be given by four (4), consecutive weekly publications in a newspaper published in the county where the association has its principal place of business. Such publication shall be complete on the day of the fourth publication and in notices of special meetings there shall be attached to and accompanying such notice a statement of any matter or matters to be considered at said meeting. All members of such association shall be entitled to vote at such meetings in person or by proxy.

Proxies.

Section 11. **Proxies.** At least once every year the board of directors of every building and loan association shall, by resolution, direct the secretary of such association and he shall mail to every stockholder of such association a blank form of proxy, and the stockholder shall have the right and privilege of withdrawing his former proxy and of substituting another in its stead. Every proxy shall continue in force and be binding upon the stockholder until such proxy is revoked or another substituted.

Powers and
duties of
association.

Section 12. **Powers and Duties of Building and Loan Associations.** Every building and loan association is a creature of the law having certain powers and duties of a natural person and as such has power:

- (1). Of continual succession, by its corporate name.
- (2). To sue and be sued, in any court;

(3). To make and use a common seal and alter same at pleasure;

(4). To appoint such officers or agents as the business of the corporation may require, and to allow them suitable compensation;

(5). To enter into any obligations or contracts essential to the transaction of its ordinary affairs, or for the purposes of the corporation;

(6). Such association shall have power to issue stock to members on such terms and conditions as the constitution and by-laws may provide, but no association shall issue preferred stock;

(7). To assess and collect from members such dues, fines, interest, fees and premium on loans made, which premium shall not exceed one per centum of the amount of the loan, or other assessment as may be provided for in the constitution and by-laws. The total of such fines, interest, fees or other assessments shall not exceed Ten (10) per centum per annum. Fines for non-payment of dues only shall not be imposed for a longer period than six months (6), against any stock or stockholder. In case of associations operating under a serial plan such fines shall not exceed the total amount of earnings credited;

Collection from members.

(8). To permit members to withdraw all or part of their stock credits at such time and upon such terms as the constitution and by-laws may provide; provided, that no charge or fee, except as herein provided, shall be made against any member who withdraws his stock, after having given thirty (30) days' notice of such withdrawal; provided, also, that no fine of any description shall be made upon the par value of such stock or upon the declared dividends because of such withdrawal. Any member who withdraws his stock or whose stock is matured, shall be entitled to receive all dues paid in and all dividends declared less fines imposed for non-payment of dues, less a reasonable membership fee not exceeding two per cent of the par value of each share of stock and less a pro rata share of all losses, if any, which have occurred, and no other fine or assessments shall be made against such stock. Applications for withdrawals are to be registered on the books of the association in the order received and after outstanding contracts have been provided for, at least one

Withdrawal of stock.

half of the collections made by the association must be used for the payment of the withdrawals in the order received; provided, however, that if applications for withdrawal are six months old, all collections must be used for payment.

Cancel stock.

(9). To cancel shares of stock upon which all credits have been withdrawn, or upon which loans have been cancelled or stock upon which no payments have been made for a period of six (6) months, by returning to the stockholders all credits, if any, and re-issue such shares as new stock.

Minors.

(10). To issue stock to minors and permit the same to be withdrawn as other stock, and the receipt of such minor shall be valid acquittance if his rights have been fully secured to him.

Holding
property.

(11). To acquire, hold, encumber and convey such real estate and personal property as may be necessary for the transaction of its business, or necessary to enforce or protect its securities. Provided, not over ten per cent (10%), of the assets of any association shall be invested in home office buildings, furniture and fixtures. Also ownership of other real property acquired in any manner or for any purpose shall not be held for more than five (5) years, except by permission of the Superintendent of Banks.

Borrow money.

(12). To borrow money, only when necessary not exceeding twenty per cent (20%) of its assets, and issue its promissory note therefore; provided, that the assets and securities of an association shall not be pledged or hypothecated to secure its borrowed money or for any other purpose, without the consent of the Superintendent of Banks. However, if the Superintendent of Banks determines that it is advisable to pledge assets in order that funds may be secured he may authorize such pledging or hypothecation; but in no event shall the margin of security pledged exceed twenty-five per cent (25%) of the funds so borrowed.

Loans.

(13). To make loans to members on the security of the shares of the association, and also on their notes secured by first mortgages on improved real estate, including suburban homes, but not on farm lands or mining property, for not to exceed sixty-five per centum of the actual value of such real estate, and upon such terms and conditions as may be provided in the

constitution and by-laws; provided, however, that in all cases where the promissory note, or other written evidence of the loan made by any building and loan association requires the payment of said loan, or the total aggregate sum of principal and interest in periodic installments, said promissory note, or other written evidence of debt shall specifically state the actual interest rate charged the borrower upon the unpaid balance of the principal amount at each periodic payment; provided, further, that when the note or other evidence of debt does not require the payment of said loan in periodic installments, the note or other evidence of debt shall specifically state the actual rate of interest to be charged the borrower.

Provided, however, that in all notes and mortgages now in force which do not specify the actual rate of interest charged the borrower upon the unpaid balance of the principal at each periodic payment, all payments made on the said notes must be distributed by crediting the same, first, upon the interest on the unpaid balance of the loan at the rate actually earned under the terms of the notes and mortgages, and the remainder upon the principal of the loan, and no charges or deductions from any of said periodic payments shall be permitted by any such association not specifically provided for in said promissory note or other evidence of such loan.

Proviso.

(14). To cancel such loans and release the securities on such as the board of directors may provide. But any borrower may have his loan cancelled upon the following terms, to-wit: By paying all interest premium and fines for delinquent payments up to the date of cancellation and the sum actually borrowed, less payments on principal dues paid in and the dividends credited.

Cancellation and release.

(15). To invest the money of the association in:

- (a) The bonds and securities of the United States;
- (b) The bonds and warrants of any state and of any county, city or school district in the State of Montana; and

Investment of Association money.

(c) Not to exceed ten per cent (10%) of the association assets in such other bonds and securities as may be approved by the Superintendent of Banks.

- Loans to other associations. (16). To loan money to other building and loan associations.
- Distribution of earnings. (17). To make such annual or semi-annual distribution of all the earnings after payment of expenses and setting aside a sum for the contingent fund as herein provided.
- Amend articles. (18). To amend its articles of incorporation by changing the name, place of business, the number of directors; to increase or decrease the capital stock, by a majority vote of its directors; provided that no such amendments shall be effective until first approved by the Superintendent of Banks.
- Dissolve. (19). To dissolve the corporation in accordance with the provisions of This Act.
- Constitution and by-laws. (20). To provide by constitution and by-laws, adopted or amended, by its board of directors for the proper exercise of the powers herein granted, and the conduct and management of its affairs.
- (21). All such other powers as are necessary and proper to enable such corporation to carry out the purpose of its organization.
- Stockholders. Section 13. **Stockholders.** The owners of shares in a building and loan association are called stockholders.
- Transfer of stock. Section 14. **Transfer of Stock—Effect.** The delivery of a stock certificate of a building and loan association to a bona fide purchaser or pledgee for value, together with a written transfer of the same, or a written power of attorney to sell, assign or transfer the same, signed by the owner of the certificate, shall be a sufficient delivery to transfer the title as against the creditors of the transferor and subsequent purchasers, but no such transfer shall affect the right of the building and loan association to pay any dividend due upon the stock, or treat the holder of record as the holder in fact, until such transfer is recorded upon the books of the building and loan association, or a new certificate is issued to the person to whom it has been transferred.
- Transfer requirements. Section 15. **Requirements of Transfer in Certain Cases.** When a certificate of stock in a building and loan association is owned by persons residing out of the state, or is lost, the president, secretary or directors

of such association, before entering any transfer of such stock on its books, or before issuing a new certificate therefor to the transferee or owner, may require from the attorney or agent of the owner or from the person claiming under the transfer, an affidavit or other evidence that the owner was alive at the date of the transfer or that the original certificate is lost and has not been assigned or transferred, and may also require from the attorney, agent or claimant a bond of indemnity with a surety or sureties satisfactory to the officers of such association, to protect such association against any liability to the owner, assignee or transferee of such shares or the legal representatives of the owners of such shares, in case of his or her death before the transfer, and also to protect such association against any liability accruing or resulting by reason of said lost or original certificate being thereafter presented to it. If such affidavit or other evidence or bond be not furnished when required, as herein provided, neither such association nor any officer thereof shall be liable for refusing to enter the transfer on the books of the association.

Section 16. Bonds of Officers, Agent and Employees. All officers, employees and agents of such association who have charge or possession of money, securities, or property, shall give bond before entering upon said duties to the satisfaction of the board of directors and the Superintendent of Banks for the faithful performance of the same, and the safe-keeping and proper application of all moneys or property coming into their hands. All officers of such association, on being re-elected to the office, and all agents and employees upon their re-appointment, shall renew their bonds. The bond may be increased or additional security required at any time by the board of directors. Directors shall not be eligible as bondsmen.

Bonds of
officers and
employees.

Section 17. Employment of Agents—Licenses and Revocation Thereof. It shall be unlawful for any building and loan association doing business within the State of Montana to employ any agent for the purpose of soliciting loans and/or the sale of stock in the said association, unless he shall first be licensed by the Superintendent of Banks to solicit loans and/or sell the stock of said association and no agent representing any association, foreign or domestic, doing business within the State of Montana shall solicit loans and/or

Employment of
agents.

License.

the sale of stock of any association unless he shall first be licensed by the Superintendent of Banks.

Request.

No license shall be issued to any applicant for an agent's license until such applicant shall have first filed in the office of the Superintendent of Banks a written request from the building and loan association desiring to employ him as agent and has made and filed an application therefor upon a form to be prescribed and furnished by the Examiner, which must show the applicant's name, business and residence address, community or district in which he wishes to act as agent, the name of the company to be represented, his occupation for the last twelve months and such other information as the Superintendent of Banks may require. If the Superintendent of Banks is satisfied that the applicant is a fit and proper person to engage in the solicitation of loans and/or the sale of stock he shall issue the license. The Superintendent of Banks upon ten (10) days' notice to any agent, and upon hearing thereon, may revoke the license of any agent upon the following grounds:

Revocation of license.

- (1). For misrepresentation;
- (2). If the said agent be convicted in any court for violation of the criminal statutes;
- (3). When satisfied that said agent is not a fit and proper person to engage in the business of selling building and loan association stock.
- (4). He shall revoke the license of any agent upon the request of such association employing such agent.

Fee.

Each license provided for in this Act shall expire on December 31st of each year, and for the issuance or renewal thereof the Superintendent of Banks shall require a fee of Two Dollars (\$2.00).

Fund for contingent losses.

Section 18. **Fund for Contingent Losses.** The amount to be set aside to the fund for contingent losses shall be determined by the board of directors, but in all permanent or serial associations at least five per cent (5%) of the net earnings shall be set aside each year for such fund until it reaches at least five per cent (5%) of the book value of the stock. All losses shall be paid out of such fund until the same is exhausted, and whenever the amount in said fund falls below five per cent (5%) of the book value of the stock as afore-

said, it shall be replenished by annual appropriations of at least five per cent (5%) of the earnings, as heretofore provided, until it again reaches said amount.

Section 19. **Payment of Expenses and Losses—Dividends.** All expenses of any such Association shall be paid out of the earnings only; in such manner as may be provided in its by-laws. The charges incident to a loan, if paid by the borrower, shall not be deemed a part of the current expenses. Expenses.

The portion of the earnings provided in the preceding section shall be reserved annually or semi-annually for the payment of contingent losses and the residue of such earnings shall be transferred as a dividend in such proportion to the credit of all members as the Association, by its constitution and by-laws, may provide, to be paid to them at such time and in such manner as will conform with this Act and the by-laws of such Association. Further losses, should there be any, shall be assessed in the same proportion and manner on all members, to the extent, only, of their stock credits in such association. No further or other charge or assessment, of any kind, can be made against any stockholder. Losses.

Section 20. **Taxation.** Every association shall be assessed for and pay taxes upon its office furniture and fixtures and all real estate acquired in the course of its business. The amount standing to the credit of each member of any such association, upon its books, shall be considered and held as the individual credit of each member, and each member shall list the shares held by him for taxation, at their real value in money, in the county of his residence, the same as other credits are listed, except shares from which loans have been made, or money advanced, by the Association, and as to such shares they shall be listed for taxation at the net cash value of the stock, to be ascertained by deducting the loan from the cash value of the shares. Associations organized under or controlled by this Act shall be subject to taxation in no other way. Assessment and taxation.

Section 21. **Annual Statements.** Every building and loan association doing business in this State shall, annually on the 30th day of June, or within twenty days thereafter, make a full detailed report, in writing, of the affairs and business of the association for the fiscal Statements.

year ending on said June 30th, showing its financial condition at the end of said year.

Form.

Section 22. Form of Statement—Where Filed. The statement shall be in such form and contain such information as may be prescribed by the Superintendent of Banks. It shall be sworn to by the Secretary of such Association and its correctness attested by at least three directors or an auditing committee appointed by the board of directors. The original shall be filed with the Superintendent of Banks within twenty days after the close of the fiscal year, and such an abstract thereof as the Superintendent of Banks may require shall be posted for sixty (60) days in the office or meeting place of such association, and also published once in the newspaper published in the town in which the association is located, or if no newspaper is published in the town in which association is located, then in one published nearest thereto in the same county, and such proof of publication shall be furnished at such times and in such manner as may be required by the Superintendent of Banks.

Where filed.

Duties of
Superintendent
of Banks.

Section 23. Duties of Superintendent of Banks. The Superintendent of Banks shall examine all building and loan associations doing business in this State at least once a year. Also, whenever ten per cent (10%) of the subscribed stock of any associations files a written application with the Superintendent of Banks, requesting him to make examination of any association, he shall make such examination forthwith, and the expense of the examiner making such examination, including living expenses and transportation, together with a fee of Fifteen Dollars (\$15.00) per day for each day actually consumed in the examination shall be paid by the association examined, and the examiner's finding to be available to the petitioners and the board of directors of the association notwithstanding any provisions to the contrary contained in this Act. Provided further, that such fee and expense when so collected shall be deposited with the State Treasurer for reappropriation to the current departmental appropriation of this department.

Powers of
Superintendent.

Section 24. Powers of Superintendent of Banks. Such Superintendent of Banks shall have power to prescribe for and supervise uniform system of reports, and accounting for all associations; shall have access to and

may compel the production of all books, papers, securities and moneys of any association under examination. He shall have power to administer oaths to and examine the officers and agents of such association and its affairs.

Section 25. Every building and loan association shall make to the Superintendent of Banks a report of condition whenever requested to do so by the Superintendent of Banks, according to the form which may be prescribed by him, verified by the oath or affirmation of the president, vice-president, or secretary of such association, and attested by the signature of at least two of the directors. Each such report shall exhibit in detail and under appropriate heads, the resources and liabilities of the association at the close of business on any past day by him specified; and shall be transmitted to the Superintendent of Banks within five (5) days after the receipt of a request or requisition therefor from him and in such form as may be required by the Superintendent of Banks it shall be published as soon as possible in a newspaper published in the place where such association is established, or if there be no newspaper published in the place, then in one published nearest thereto in the same county, at the expense of the association; and such proof of publication shall be furnished at such times and in such manner as may be required by the Superintendent of Banks.

Reports.

Section 26. Removal of Directors, Officers or Employees: Any director, officer or employee of any association found by the Superintendent of Banks, after examination, to be dishonest, shall be removed from office by the board of directors of such association on the written order of the Superintendent of Banks, and if the directors neglect or refuse to remove such director, officer or employee, in event any losses accrue to such association thereafter by reason of the dishonesty of such director, officer or employee, such written order of the Superintendent of Banks shall be deemed to be conclusive evidence of the negligence of the directors failing to act upon the same as herein provided in any action brought against them, or any of them, for recovery of such losses.

Removal of employees and directors.

Section 27. Fees Paid into State Treasury. All fees provided for in this Act and paid to the Superintendent of Banks, or Secretary of State shall be by them

Fees where payable.

turned into the State Treasury for the State Examiner's fund.

Limitation of application.

Section 28. **Application to Other Persons, Corporations, Associations, Etc.** The provisions of this Act shall apply to and be enforceable against all corporations, persons, firms, partnerships, associations, trustees or combinations of persons whatsoever, whether foreign or domestic, and whether citizens of this State or otherwise, that transact, or attempt to transact, a building and loan business, or a business of like kind, or character, or where, by its or their charter, constitution, by-laws or by a declaration of trust, or other device, or by a contract or agreement, the members or customers are required to pay regular installments to a common fund or series, from which fund or series loans are made to said members, customers, or to others for the purpose of building homes or buildings, purchasing building sites, paying off liens or debts against real estate, or for other purposes, within the boundaries of this State. The name association when used in this Act shall be deemed to include any of the above named.

Requirements of foreign associations.

Section 29. **Foreign Associations—Requirements.** Any association as defined in the foregoing section organized under the laws of any state, other than Montana, or of the United States, or of any foreign government, shall, before doing business within this State, file in the office of the Secretary of State and in the office of the Superintendent of Banks, a duly authenticated copy of their charter, articles of incorporation, or articles of agreement, and also a statement, verified by oath of the president and secretary of such corporation or managing officials if other than a corporation and duly verified, showing:

1. The name of such association and the location of its principal office or place of business without this State; and the location of the place of business or principal office within this State;

2. The names and residences of the officers, trustees or directors;

3. The amount of capital stock;

4. The amount of capital invested in the State of Montana.

Such association shall also file, at the same time, and in same offices, a certificate, under seal and the signature of its president, vice-president, or other acting head, and its secretary, if there be one, certifying that the said association has consented to all the license laws and other laws of the State of Montana relative to foreign associations and has consented to be sued in the courts of this State, upon all causes of action arising against it in this State, and that service of process may be made upon some person, a citizen of this State, whose name and place of residence shall be designated in such certificate, and such service, when so made upon such agent, shall be valid service on the association.

Section 30. **Consent of Agent.** The written consent of the person so designated to act as agent shall also be filed in like manner, and such designation shall remain in force until the filing in the same offices of a written revocation thereof, or of a consent, executed in like manner. A certified copy of a designation so filed, accompanied with a certificate that it has not been revoked, is presumptive evidence of the execution thereof, and conclusive evidence of the authority of the officer executing it. Consent of agent.

Section 31. **Contracts void if Made Before Compliance with Act.** If any such foreign association shall attempt or commence to do business in this State without having first filed said statement, certificate and consent, required by this Act, or without complying with any or all of the laws of Montana relating to the payment of fees or licenses, no contract made by them or any agent or agents thereof, during said time, shall be enforceable by them until the foregoing provisions have been complied with. Act must be complied with.

Section 32. **Shares of Stock Subject to Attachment.** The stock or shares of such foreign associations, doing business in this State, shall be subject to attachment in the same manner as now provided by law in the case of domestic associations. Attachment.

Section 33. **Laws of Other States.** When by the laws of any other state, territory or nation any taxes, fines, penalties, licenses, fees, deposits of money or securities or other obligations or prohibitions are imposed on building and loan associations of this State, doing business in such other state, territory or nation, Other laws.

or upon their agents therein, so long as such laws continue in force the same obligations and prohibitions shall be imposed on the associations of such other state, territory or nation doing, or attempting to do a building and loan business, or a business of like kind or character in this State, and upon their agents herein.

Conformity
required.

Section 34. **Conformity Required.** The powers, rights, duties, privileges and obligation of every such association heretofore and hereafter organized and doing business in the form of a character similar to that authorized by this Act, shall be governed, controlled, construed, extended, limited, and determined by the provisions of this Act, to the same extent and effect as if said association has been organized and incorporated under or pursuant to its provisions, and the articles of incorporation, by-laws and rules of each heretofore made or existing are hereby modified, altered and amended to conform with the provisions of this Act and the same are declared void where such articles of incorporation, by-laws or rules are inconsistent with its provisions; except that the obligations of any existing association, whether between such association and its shareholders or any one of them, or any other person or persons, or any valid contract between the shareholders of such association existing at the time this Act takes effect, shall not be in any way impaired by the provisions of this Act; and with such exceptions every building and loan association shall possess the powers, rights, duties and privileges, and be subject to the obligations, restrictions and liabilities conferred and imposed by this Act, notwithstanding anything to the contrary in its articles of incorporation, by-laws or rules. All obligations to any such association heretofore contracted shall be enforceable by it and in its name and demands, claims and rights of action against any such association shall be enforced against it as fully and completely as they might have been enforced before. Except as above set forth, on and after six months after the passage and approval of this Act, no domestic or foreign association now engaged in the business of a building and loan association, or a business of like character, shall be permitted to conduct such business in this State unless it comply in every respect with the provisions of this Act.

Penalties.

Section 35. **Penalties.** It shall be unlawful for any association, whether foreign or domestic, and whether citizens of this State or otherwise, to do business, or

attempt to do business, as defined in this Act, without having first complied with its provisions and having received a certificate of authority to do business, from the Superintendent of Banks. Any such association, violating any of the provisions of this Act, and failing to comply with any of its provisions, shall be fined not less than Two Hundred and Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), for each and every such violation, to be recovered by an action in the name of the state, and on collection, paid into the State Treasury. Any person or persons, whether citizens of this State or otherwise, who aids or assists any such association to do business contrary to the provisions of this Act, without having first complied with all of its provisions, shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than six (6) months, or both.

Section 36. **Superintendent of Banks Report.** The Superintendent of Banks shall keep and preserve in permanent form a full record of his proceedings, including a concise statement of each association examined, and he shall annually make a report to the Governor of the general conduct and condition of the building and loan associations doing business in this State, with such suggestions as he may deem expedient. Such report shall also include the information contained in the statement required of the association, and arranged in tabulated form. He shall also report the whole amount of the income of his office, the source whence derived, and the expenses in detail during the year ending on the 30th day of June.

Report of
Superintendent
of Banks.

Section 37. **Obtaining Property by Fraud, False Report, Refusal to Permit Inspection of Books.** A director, officer, agent, or employee of any building and loan association who:

Fraud, etc.

(1) Wilfully receives or possesses himself of any of its property, otherwise than in payment for a just demand, and with intent to defraud, omits to make or cause or direct to be made a full and true entry thereof in its books and accounts; or

(2) Concurs in omitting to make any material entry thereof; or

(3) Wilfully makes or concurs in making or publishing any written report, exhibit or statement of its affairs or pecuniary condition, containing any material statement which is false; or

(4) Having the custody or control of its books, wilfully refuses or neglects to make any proper entry in the books of such association as required by law, or to exhibit, or allow the same to be inspected and extracts to be taken therefrom by the Superintendent of Banks, his chief deputy, or any of his examiners, shall be guilty of a felony.

Purchase of obligations by officers.

Section 38. Purchase of Obligations of Association by Officer. No director, officer, agent or other employee of any building and loan association shall, directly or indirectly, for his own personal benefit, purchase, or be interested in the purchase of any obligation of said association for a less sum than shall appear upon the books of such association to be the value thereof. Every person violating the provisions of this Section shall, for each offense, forfeit to the state three times the face value of any such obligation so purchased.

Purchase of assets by officer.

Section 39. Purchase of Assets of Association by Officer. No officer, director, agent, or other employee of any association shall, directly or indirectly, for his own personal benefit, purchase, or be interested in the purchase of any of the assets of any building and loan association for a less sum than the book value thereof. Every person violating any provision of this Section, shall, for each offense, forfeit to the state twice the nominal value of any such asset so purchased.

Profits.

Section 40. Calculation of Profits. Interest or commissions unpaid, although due or accrued, on debts owing to any building and loan association, shall not be included in calculation of its profits.

Loan limitations.

Section 41. Limitation on Loans. The total liabilities of any person, co-partnership, or corporation to any association for money borrowed, however secured, including in the liabilities of a co-partnership, the liabilities of the several members thereof, shall at no time exceed twenty per centum of the amount of the assets of such association.

Joint ownership.

Section 42. Joint Ownership. Any building and loan association may issue shares to or in the name of two

or more persons, whether husband and wife or otherwise; withdrawal by any one of such persons, and the receipt or acquittance of any one of such persons shall be valid and sufficient release and discharge to the association for such withdrawals, regardless of the death or disability of any other such joint shareholder.

Section 43. **Trusts—Payment.** Whenever any shares of stock shall be purchased in any building and loan association by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the association, in the event of the death of the trustee, the same, or any part thereof, together with the interest or dividends thereon, may be paid to the person for whom said shares were purchased.

Trusts.

Section 44. **Shares Held by Minor.** Whenever any shares of stock in any building and loan association shall be purchased by or in the name of any minor, the same shall be held for the exclusive right and benefit of such minor, and free from the control or lien of all persons whatsoever, except creditors, and shall be paid, with any interest due thereon, to the person in whose name the shares of stock shall have been purchased, and the receipt of such minor shall be sufficient release or discharge for such shares of stock to the association.

Shares held by minors.

Section 45. **Reports Confidential.** Whoever, being the Superintendent of Banks, a deputy, assistant or clerk in his employ or an examiner, fails to keep secret the facts and information obtained in the course of an examination, or by reason of his official position, except when the public duty of such officer requires him to report upon or take official action regarding the affairs of the association so examined, or wilfully makes a false official report as to the condition of such association, shall be removed from office and shall be fined not more than five hundred dollars or, imprisoned in the penitentiary not less than two years nor more than five years, or both. Nothing in this section shall prevent the proper exchange of information relating to building and loan associations and the business thereof, with the representatives of building and loan departments of other states, but in no case shall the private business or affairs of any individual, association or company be disclosed.

All reports confidential.

Section 46. **Checking Accounts Prohibited.** No building and loan association shall carry any demand, commercial or checking account, or receive any sum of money on deposit.

Liquidation and settlement.

Section 47. **Voluntary Liquidation and Settlement.** By and with the consent of the Superintendent of Banks any association organized under the laws of and doing business in this State, may, if the stockholders deem it advisable, go into liquidation, and for the purpose of so doing may, at any regular or called meeting of the stockholders, adopt a resolution declaring that such association intends to go into liquidation and discontinue business as a building and loan association. A copy of such resolution, duly certified by the president and secretary of such association, under the seal thereof, shall be transmitted to the Superintendent of Banks within ten (10) days after the passage thereof. Thereupon the Superintendent of Banks shall issue his certificate reciting that such resolution has been filed in his office, and that such association is in liquidation. After the filing of such notice, it shall not be lawful for such association to issue stock, or to loan or advance its money to members or to any other person or persons, but all of the income and receipts of such association, in excess of the actual expense of managing the same, shall be applied to pay off first the indebtedness and then the stock in such association upon which no loans have been made, the same to be paid pro rata. The board of directors of such association in liquidation may adopt such rules and make such orders as shall be just and equitable for the sale and disposition of all property held by such association and for the division of the assets of such association. Such association in liquidation, shall be subject to examination and under the supervision of the Superintendent of Banks.

Insolvency or impairment.

Section 48. **Insolvency or Impairment of Building and Loan Association.** Whenever it shall appear to the Superintendent of Banks that the affairs of any building and loan association are in an unsound condition, or that it is conducting its business in an unsafe or unlawful manner, the Superintendent of Banks may take possession of all books, records and assets of every description of such association and hold and retain the possession of same pending the further proceedings herein specified. Should the board of directors, secretary or

person in charge of such association refuse to permit the Superintendent of Banks to take possession as aforesaid, the Superintendent of Banks shall communicate such fact to the Attorney General, whereupon it shall become the duty of the Attorney General at once to institute such proceedings as may be necessary to place the Superintendent of Banks in immediate possession of the property of such association. Upon taking possession of the effects of the association as aforesaid, the Superintendent of Banks shall prepare a full and true statement of the affairs and condition of such association, including an itemized statement of its assets and liabilities and shall receive and collect all debts, dues and claims belonging to it and pay the immediate and reasonable expenses of his trust. When the condition of such association has been fully ascertained and it shall appear that the affairs of said association are in fact in an unsound condition, the Superintendent of Banks shall at once notify, in writing, the Board of Directors of such association of his decision, giving them twenty (20) days in which to restore the affairs of such association to a sound condition. Meanwhile, the Superintendent of Banks shall remain in charge of the books, records, and assets of every description of such association, attend, or be represented, at all directors and stockholders meetings held, suggest such steps as he may deem necessary to restore such association to a sound condition; and if same is not done within such twenty (20) days, he shall report the facts to the Attorney General and it shall thereupon become the duty of the Attorney General to institute proceedings in the District Court of the County in which such association has its principal place of business, for the appointment of the Superintendent of Banks as Receiver and as such he is authorized to collect all moneys due such association and to do such other acts as are necessary to conserve its assets and business, and he shall proceed to liquidate its affairs. He shall have general and inclusive power and authority, except as otherwise limited by the terms of this Act, to do any and all acts, to take any and all steps necessary, or, in his discretion, desirable for the protection of the property and assets of such association and the speedy and economical liquidation of its assets and affairs and the payment of its creditors, or for the reopening and resumption of business of said association where that is practicable or de-

sirable. He may institute in his own name as Superintendent of Banks, or in the name of the association, such suits and actions and other legal proceedings as he deems expedient for such purposes, and by making application to the district court of the county in which such association is located, or to the Judge thereof, in chambers, may, upon proper and sufficient showing of cause therefor, procure an order to sell, compromise or compound any bad or doubtful debt or claim, and to sell and dispose of any or all the assets, which sale may be made to stockholders, officers, directors, or others interested in such association, on consent of the Court. On such proceedings the association shall be made a party by notice issued on order of the Court or Judge, in lieu of summons, but served in like manner, and the hearing of any such application or petition by the Superintendent of Banks may be had at any time, either in term or vacation in Court, or in chambers, as the Court may order, after said association has had five (5) days' notice of such application.

Fees.

Section 49. Fees of Secretary of State—Superintendent of Banks. Section 145 of the Montana Revised Code of 1921, and Section 221 of said code as amended by Chapter 236 of the Laws of the 18th Legislative Assembly and as amended by Chapter 98 of the Laws of the 19th Legislative Aseembly, relating to the fees of the Secretary of State and State Examiner, are hereby made applicable to the fees to be paid by all of the associations mentioned and described in this Act.

Section 50. Repeal. Sections 6355 and 6358 as amended and all of Sections 6356, 6357, 6359, 6360, 6361, 6362, 6363, 6364, 6365, 6366, 6367, 6368, 6369, 6370, 6371, 6372, 6373 and 6374 of the Revised Codes of Montana of 1921, Sections 1, 2 and 3 of Chapter 108 and Sections 1, 2, 3 and 4 of Chapter 111 of the Session Laws of the 18th Legislative Assembly and Sections 1, 2 and 3 of Chapter 101 and Sections 1, 2 and 3 of Chapter 104 of the Session Laws of the 19th Legislative Assembly and all Acts and parts of Acts in conflict herewith are hereby repealed, provided, however, that the repeal of each and all of the provisions of said Acts or any one of them will not invalidate or affect any contract entered into by any such association or affect any obligation from or to such association which exists or have accrued prior to the passage and approval of this

Act and such are continued in full force and effect and may be enforced according to the provisions of the laws existing when the same accrued.

Section 51. If any section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of the same.

The Legislative Assembly of the State of Montana hereby declares that it would have passed this Act irrespective of the fact that anyone or more sections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 52. This Act shall be in full force and effect from and after May 1, 1927.

Approved March 7, 1927.

CHAPTER 58.

An Act to Amend and Reenact Sections 5117, 5118, 5119, 5120, 5121, 5123, 5124, 5126, 5127, 5128, 5129, 5130, 5131, 5132, 5133, 5134, and 5135 of the Revised Codes of Montana, 1921, relating to Firemen's Disability Fund, and Disability and Pension Fund of Fire Department Relief Associations, and Repealing Section 5122 of the Revised Codes of Montana 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5117 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

"Section 5117. Disability and Pension Fund. There shall be created and established in each incorporated city or town of the State of Montana where there is an organized fire department, recognized by city council, which said fire department has or shall hereafter form themselves into an association known as the FIRE DEPARTMENT RELIEF ASSOCIATION of the city or town of..... (name of the city or town) and incorporated under the laws of the State of Montana, a fund to be known as "Disability and Pension Fund" of the Fire Department Relief Association of the city or town of.....(naming the city or

Association.

Disability and pension fund.

Eligibility.

town) said fund to be held by the treasurer of such association, as provided by law, and to be kept in a separate fund. No Fire Department Relief Association shall be organized and incorporated under the provisions of this Act, unless it is in an incorporated city or town of this State, and has a duly organized fire department, consisting of either paid, part-paid, or volunteer firemen, or any or all such firemen, which said fire department must have fire fighting equipment in serviceable condition, of the value of Seven Hundred Fifty Dollars (\$750.00), or more, provided that the words 'incorporated city or town' appearing in this Act shall include any county seats whether incorporated or not."

Section 2. That Section 5118 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

Source of fund.

"Section 5118. Source of Fund. The disability and pension fund of the Fire Department Relief Association of such city or town shall consist of such sums of money as may be derived from the levy of an annual tax for that purpose, levied by such city or town council as provided for by Section 5119 of the Revised Codes of the State of Montana, 1921, as amended herein, and donations to the said association from any source, in land, money, or other valuable gifts, and from money received from the State of Montana as provided by law.

Gifts.

Any member of such relief association who shall receive any gift of money for his services other than the salary fixed by ordinance shall turn the same over to the credit of the said disability and pension fund."

Section 3. That Section 5119 of the Revised Codes of the State of Montana, 1921, be, and the same is hereby amended to read as follows:

Tax levy for fund.

"Section 5119. Tax Levy for Fund. For the purpose of maintaining said disability and pension fund of such Fire Department Relief Association the city or town council may in the manner provided by law and at the time of the levy of the annual tax, levy a special tax of not to exceed one-tenth of one (1) mill on the dollar upon the assessed valuation of all taxable property within the limits of the said city or town, which said tax shall be collected as other taxes. and when so collected

shall be paid into the disability and pension fund of the Fire Department Relief Association in said city or town."

Section 4. That Section 5120 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

"Section 5120. Board of Trustees. A board of trustees of such Fire Department Relief Association shall be created to consist of seven (7) members, to-wit, the president of the Fire Department Relief Association, and the chief of the fire department, if an active member of the association, shall be ex-officio members thereof, and five members to be elected by the members of such association at the annual election of each year, to be held on or before the fifteenth day of April of each year."

Board of Trustees.

Section 5. That Section 5121 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

"Section 5121. Duties of Trustees. The Board of Trustees of said Fire Department Relief Association, shall audit the accounts of the said relief association from time to time, at least once every six months, and report the condition thereof to the said association:

Duties of Trustees.

Audit accounts.

The General Management of the association shall be vested in a Board of Trustees. The Board of Trustees of such association when so directed by a majority vote of the members of such association, shall have the power to invest the funds or any part of the funds of the association in such securities as are recommended by the State Auditor and approved by State Examiner."

General management.

Invest funds.

Section 6. That Section 5123 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

"Section 5123. Benefits, Allowed For, How Allowed, and How Paid. Every Fire Department Relief Association may allow to its members benefits for the following causes, as provided by law.

Benefits.

1. A service pension to a member who, by reason of service, has become entitled to a service pension.

Causes.

2. To a member who has become maimed or disabled for life in line of duty.

3. To a member who has suffered injury in line of duty.

4. To a member who has contracted sickness in line of duty.

5. Funeral expenses of a member.

6. Pensions to the widow, orphan or orphans of a deceased member.

Application
claims.

How paid.

All applications for relief shall be referred to the Board of Trustees. All claims shall be referred to the Board of Trustees for allowance or disallowance and claimant shall have the right to appeal to the association in the event his claim be disallowed. All claims shall be paid by warrant, duly authorized, drawn by the Secretary, and countersigned by the President of the association, and on presentation thereof, the Treasurer of the association shall pay the same out of the said pension and disability fund."

Section 7. That Section 5124 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

Embezzlement
of funds.

"Section 5124. Embezzlement of Funds. Any person who shall embezzle any of the money or other valuable thing belonging to the disability and pension fund of any Fire Department Relief Association, or who shall take part, in, or in any manner aid in any scheme or plan whereby said fund or association shall be defrauded out of any of the money in said fund, shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the State Prison for not less than one year or more than ten years."

Section 8. That Section 5126 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

Reports of
insurance
companies.

"Section 5126. Reports of Insurance Companies. The Commissioner of Insurance shall include in the blank form furnished to each fire insurance company for its annual statement, a list of all such incorporated cities or towns, and each company shall report therein the amount of premium received by it during the preceding year in each incorporated city or town. Before July 1st following said October 31st, mentioned in preceding section, the Commissioner of Insurance shall certify to the State

Auditor the name of each city or town which has an organized fire department and Fire Department Relief Association which has complied with provisions of Section 5117 of the Revised Codes of the State of Montana 1921 as amended, which has been so reported to him and the amount of premiums received in each such city or town in such year by each fire insurance company."

Section 9. That Section 5127 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

"Section 5127. State Auditor to Pay Cities and Towns Fifty Per Centum (50%) of Licenses Collected. At the end of the fiscal year the State Auditor shall issue and deliver to the Treasurer of every city his warrant for an amount equal to fifty per centum (50%) of the licenses collected by the State Auditor under Section 6112 of these Codes in proportion to the premiums so paid and collected by the said fire insurance companies in such cities and towns to the total premiums paid and collected by fire insurance companies in the entire state and pay this amount to the credit of a special fund into the State Treasury, which fund shall be known as the "disability and pension fund" of the Fire Department Relief Association, and for that purpose, there is hereby created a fund to be known as the "disability and pension fund" of the Fire Department Relief Association and the State Treasurer is hereby directed and authorized to keep such an account of said fund."

50% of license
moneys to
disability and
pension fund.

Section 10. That Section 5128 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

"Section 5128. State Treasurer to Pay Warrants. The State Treasurer is hereby authorized and directed, upon the presentation to him of said warrant of the State Auditor, to pay to the Treasurer of any such city or town, out of the fund known as the disability and pension fund of the Fire Department Relief Association as by law designated, the amount of such warrant specified, which amount shall be paid by said City Treasurer to said Fire Department Relief Association."

State Treasurer
to pay warrants.

Section 11. That Section 5129 of the Revised Codes of the state of Montana 1921, be, and the same is hereby amended to read as follows:

"Section 5129. Fire Department Relief Association.Relief
association.

The confirmed members of the fire department or departments, together with the volunteer fire department or departments recognized by the city or town council in each incorporated city or town of this State are hereby authorized to form themselves into a local association, to be known as the Fire Department Relief Association of the city or town of..... (naming the city or town), and when so formed, it shall incorporate under the laws of this State. In the event of the formation of such Fire Department Relief Association, there shall be elected by a majority vote of the members thereof, the following officers, to-wit: A president, a secretary, a treasurer, and three members to serve as members of the Board of Trustees, which said Board of Trustees shall consist of five members, of which the Chief of the fire department, and the President of the Fire Department Relief Association shall be ex-officio members thereof. After the incorporation of any such Fire Department Relief Association, the said elective officers shall be elected annually on or before the fifteenth day of April of each year."

Section 12. That Section 5130 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

Report of
Secretary and
Treasurer.

"Section 5130. Report of Secretary and Treasurer of Fire Departments Relief Association, Examination of Books and Accounts. The Secretary and Treasurer of every Fire Department Relief Association so formed shall annually prepare a detailed report of its receipts and expenditures for the preceding year, showing to whom and for what purpose the money has been paid and expended, and file it with the association, and a duplicate with the State Auditor. No money shall be paid to the Treasurer of such Fire Department Relief Association until such report is so filed. No one serving as a substitute or on probation, nor any fireman in the city having such association who is not a member thereof shall be deemed a member of the association within the meaning of this Act. No Treasurer of any such association shall enter upon his duties until he has given to the association a good and sufficient bond of not less than double the amount of all funds and securities in the hands of said treasurer for the faithful

discharge of his duties according to law. The amount of such bond to be approved and paid for by such association. All of the financial books and accounts of such association with reference thereto shall be subject at all times to examination by the State Examiner. And the State Examiner is hereby authorized, empowered and required to make such an examination at least once in each year, or upon complaint being duly made to him that the money or any part thereof paid under the provisions of this Act to the Treasurer of such association has been or is being expended for any unauthorized purpose, and if such money upon examination is found to have been expended contrary to the authority given, he shall so report to the Governor, upon whose direction to the State Auditor no further warrants shall be issued to such Fire Department Relief Association Treasurer until the money so expended has been returned."

Examination of
State
Examiner.

Section 13. That Section 5131 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

"Section 5131. Duties of Association and City Treasurers. Whenever such Fire Department Relief Association is formed as provided by law and when the Treasurer of such association has furnished the bond as provided by law, such City Treasurer shall pay to said Fire Department Relief Association Treasurer all money in the hands of the City Treasurer to the credit of said disability and pension fund taking the receipt of said Treasurer and said City Treasurer shall thereafter from time to time, as moneys are received by him for the credit of said fund or association turn the same over to the Treasurer of said relief association, taking proper receipts therefor."

Duties of
association
and City
Treasurers.

Section 14. That Section 5132 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

"Section 5132. Pensions to Retired Firemen. Every Fire Department Relief Association whenever certificate of incorporation or its by-laws so provide may pay out of any money in the disability and pension fund a service pension in an amount not to exceed one-half of the monthly salary last received by such pensioner as may be provided for, to each of its members who has

Pensions
retired
firemen.

heretofore retired, or may hereafter retire, and has reached or shall hereafter reach the age of fifty (50) years, and who has done active duty for twenty (20) years or more as a member of a volunteer, paid or partly paid and partly volunteer fire department in the municipality where such association exists. Such pension may be decreased or increased within the amount specified, whenever the amount of funds on hand or the lack of funds render such action advisable or necessary. No such pension shall be paid to any person while he remains a member of the fire department and any person receiving such pension shall not be entitled to other relief from such association. In case of volunteer or call men the compensation shall not exceed the sum of Seventy Five Dollars (\$75.00) per month."

Section 15. That Section 5133 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

Payment of
service
pension.

"Section 5133. Payment of Service Pension. Every Fire Department Relief Association now or hereafter organized in this State which is now incorporated or which may hereinafter be incorporated may pay out of the disability and pension fund, service pensions in such amounts and in such manner as its by-laws shall designate, under the provisions of this Act, not exceeding, however, one-half of the sum last received as a monthly salary by such pensioned member monthly. Nothing herein contained shall be construed as permitting any member of a Fire Department Relief Association receiving benefits or allowances under the provisions of this Act, and, at the same time, for the same casualty, an allowance under the Montana Workman's Compensation Act. In case of volunteer or call men such pension shall not exceed the sum of Seventy Five Dollars (\$75.00) per month."

Workman's
compensation
act.

Limit.

Section 16. That Section 5134 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

Pension widows
and orphans.

"Section 5134. Pension to Widows and Orphans. Such Fire Department Relief Association may pay to the widow and orphans of deceased firemen in such sums and under such limitations and conditions as its by-laws shall provide, and not contrary to the laws of

this State, a pension not exceeding however, a sum equal to one-half of the monthly salary last received by such deceased fireman, monthly to each pensioner or to any one family, with the right to increase or decrease the amount of such pension when on account of the amount of funds, or lack of funds on hand, or for other good cause, such reduction or increase seems to the association advisable or reasonable. In case of volunteer or call men the compensation shall be the same as paid firemen and not to exceed the sum of seventy-five dollars (\$75.00) per month."

Section 17. That Section 5135 of the Revised Codes of the State of Montana 1921, be, and the same is hereby amended to read as follows:

"Section 5135. Use of Disability and Pension Fund of Fire Department Relief Association: Said fund shall not be used for any other purpose whatsoever, other than for the payment of the following:

Purposes for which fund may be used.

1. A service pension to a member who, by reason of service, has become entitled to a service pension.

2. A pension to a member who has become maimed or disabled in line of duty.

3. A benefit or allowance to a member who has suffered injury in line of duty.

4. A benefit or allowance to a member who has contracted sickness in line of duty.

5. To defray the funeral expenses of a member, in an amount not to exceed however the sum of Two Hundred Fifty Dollars (\$250.00).

6. Payment of a pension to the widow, orphan or orphans of a deceased member.

7. All claims shall be paid by warrant duly authorized, drawn by the secretary, and countersigned by the President of the Association and on presentation thereof, the Treasurer shall pay the same out of the said disability and pension fund."

Section 18. That Section 5122 of the Revised Codes of the State of Montana 1921, be, and the same is hereby repealed.

"Section 19. Effect of Decision Holding Any Part of Act Unconstitutional. If any section, sentence, clause,

Saving clause.

paragraph, or phrase of this Act is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Act, so long as sufficient remains of the Act to render the same operative and reasonably effective for carrying out the main purpose and intention of the Legislature in enacting the same, as such purpose and intention may be disclosed by the Act."

Section 20. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 21. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 59.

An Act Amending Sections 3654, 3670, 3683, 3689, 3691, 3734, 3736 of The Revised Codes of Montana of 1921, Sections 3703, 3722, 3723, 3730, 3731, 3732, 3742, of The Revised Codes of Montana of 1921, as Amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, and Sections 3655, 3656, 3661, 3665, 3681, 3682, 3685, 3694, 3696, 3697, 3700, 3701, 3704, 3714, 3725, 3733 of The Revised Codes of Montana of 1921, as Amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, Relating to Compensation of Members of Fish and Game Commission; Appointment, Qualification, Duties and Salary of State Fish and Game Warden; Rating, Removal and Salary of Deputy Fish and Game Wardens; Salary of Superintendent of State Fisheries; Definitions of Terms Used; License Requirements; Classes of Licenses; Fees and Powers under Licenses; Carrying and Exhibiting License; Exceptions in the Application of the Provisions of this Act; Restrictions on the Manner of Taking Fish and Game; Open and Closed Seasons for Elk; Open and Closed Season for Deer; Open and Closed Seasons for Grouse; Closed Season and Bag Limits of Migratory Game Birds; Closed and Open Seasons for Furbearing Animals; Protection of Beaver and Beaver License; Possession, Sale and Transportation of Wild Birds; Possession of

Dead Bodies of Game Fish, Game and Non-Game Birds, Game or Furbearing Animals; Shipment Out of the State of Game and Non-Game Birds, Fish, Game and Fur-bearing Animals or Parts thereof; Permits for Shipment of Game, etc.; Label Required on Shipment of Game, Etc.; Express and Other Transportation Companies Receiving Game, etc.; for Transportation or Sale; Fees for Shipping Permits; Possession, Purchase, Sale and Transportation of Game Fish, Wild Bird, Game or Fur-bearing Animal or Part Thereof; and Prescribing Penalty for Violations of the Provisions of this Act; and Appropriating Certain sums to the Fish and Game Fund; and Repealing Section 3744 of the Revised Codes of Montana of 1921 and all Acts and Parts of Acts in Conflict with the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3654 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

"Section 3654. Compensation of Commissioners. The members of the Commission shall receive no compensation for their services as members thereof, except a per diem of Ten Dollars (\$10.00) for each member for every day in actual attendance at the meetings of said Commission, or in the execution of their duties as members of said Commission; provided, however, that in no instance shall any member of said Commission receive as said per diem a sum in excess of Four Hundred Dollars (\$400.00) in any one year, and the members of said Commission shall be allowed their actual and necessary traveling expenses, while performing their duties as members of said Commission, which shall be paid from the Fish and Game Fund of the State, upon presentation of proper vouchers therefor."

Compensation
of
commissioners.

Section 2. That Section 3655 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

"Section 3655. State Fish and Game Warden, Qualifications, Duties. The State Fish and Game Commission shall appoint and employ a State Fish and Game

State Fish
and Game
Warden.

Warden, who shall continue in the office at the pleasure of said Commission. He shall be a person having experience, special training and skill in wild life protection, conservation, and management. He shall be the Secretary of the State Fish and Game Commission, attend the meetings of said Commission, and keep a record of all of its transactions and shall make and keep an inventory showing the description and value of all property owned by the State and under the administration of said Commission. He shall be the administrative agent of the State Fish and Game Commission, custodian of the property and records of the Fish and Game Department, and shall maintain his office at the seat of the State Government. He shall devote all his time to his official duties, and such State Fish and Game Warden shall have all the powers and duties which are now or may hereafter be by law conferred upon and delegated to the State Game Warden or the State Fish and Game Warden. His powers and duties shall include those of a Deputy State Fish and Game Warden hereinafter enumerated. He shall be subject to the supervision and control of said Commission and may be removed from office by said Commission for neglect of duty, incompetency, or other good cause. The State Fish and Game Warden shall be paid a salary fixed by the Commission not exceeding in amount Three Thousand Dollars (\$3,000.00) per year, and in addition thereto shall be allowed his actual and necessary traveling expenses while away from the seat of government upon official business connected with his office, but in no instance shall he be allowed as expenses a sum in excess of Two Thousand Dollars (\$2,000.00) in any one year, the same to be paid upon proper vouchers from the Fish and Game Fund of the State."

Qualifications.

Powers.
Duties.

Salary.

Section 3. That Section 3656 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

Deputy Wardens. "Section 3656. Deputy Fish and Game Wardens.—**Appointment.** The State Fish and Game Warden, by and with the consent and approval of the Commission, shall have power to employ, and appoint a number of deputy state fish and game wardens not in excess of twenty-two for the proper enforcement of the fish and

game laws of the State, or for such purposes as the Warden may direct who shall be peace officers and hold their offices for such time as the Warden may direct, and who may be removed from office by said Warden at any time for cause, after due hearing before said Commission. The said Commission shall assign to each Deputy State Fish and Game Warden, appointed or employed the territory or district in which he is to perform his duties and work, which may be changed at any time by said Commission. Said Deputy Fish and Game Wardens shall perform their duties at the direction of, and subject to the supervision and control of the State Fish and Game Commission and the State Fish and Game Warden; provided, however, the Commission may employ for a limited period of time, special Deputy Game Wardens to patrol said districts and enforce the game and fish laws of the State of Montana therein, and to perform such duties in said districts as may be prescribed by said Commission for the limited time for which they are so employed; and further, such special Deputy Game Wardens shall receive in compensation not to exceed One Hundred Twenty Five Dollars (\$125.00) per month and actual expenses."

Appointment.

Salary.

Section 4. That Section 3661 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

"Section 3661. Deputy State Fish and Game Wardens, Removal, Rating, Salary, Etc. The State Fish and Game Commission shall have power to remove, suspend without pay, to reduce in rank, to act as a trial board in hearing and passing upon charges against Deputy State Fish and Game Wardens, and to rate all such deputies on the basis of merit and efficiency, in accordance with such rules and regulations as it may adopt to secure a proper rating of Deputy State Fish and Game Wardens or to carry out the provisions of this section. It shall rate all Deputy State Fish and Game Wardens on the basis of merit and efficiency in two grades, to be known as the first and second grades. Deputy State Fish and Game Wardens shall not be removed unless furnished with a reason for removal and given a hearing in his own defense. The salary

Deputy Wardens.

Grades.

Removal.

Salary.

of the Deputy State Fish and Game Wardens shall be as follows: Those of the first grade a sum not exceeding One Thousand Eight Hundred Dollars (\$1800.00) per annum provided that the Commission may at its discretion pay not more than six (6) first grade men a salary not exceeding Twenty-One Hundred Dollars (\$2,100.00) per year; and those of the second grade a sum not exceeding One Thousand Six Hundred Fifty Dollars (\$1,650.00) per annum.

Expenses.

Each Deputy State Fish and Game Warden shall be allowed his actual and necessary traveling expenses while away from his place of residence upon official business connected with his office, not exceeding the sum of Six Hundred Dollars (\$600.00) per year, unless special work shall be ordered by the Fish and Game Commission; said expenses to be approved by said State Fish and Game Warden and to be paid upon proper voucher from the State Fish and Game Fund."

Section 5. That Section 3665 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

Superintendent
of fisheries.

"Section 3665. Superintendent of State Fisheries.

Salary.

Salary. The Superintendent of State Fisheries, appointed and employed by the Commission shall receive for his services a salary of not to exceed Thirty Six Hundred Dollars (\$3,600.00), and his actual and necessary traveling expenses while absent from his place of residence and upon official business connected with his office, but in no instance shall he be allowed for such expenses a sum in excess of One Thousand Five Hundred Dollars (\$1,500.00) in any one year, which shall be paid from the State Fish and Game Fund on proper vouchers."

Section 6. That Section 3681 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

"Section 3681. For the purpose of this Act, the following shall be construed, respectively to mean:

“**Commission.**” The State Fish and Game Commission.

“**Person.**” The plural or singular, male or female, as the case demands, including individual, associations, partnerships, and corporations, unless the context otherwise requires. Definitions.

“**Open Season.**” The time during which game birds, fish, game, and fur-bearing animals be lawfully taken.

“**Closed Season.**” The time during which game birds, fish, game, and fur-bearing animals may not be lawfully taken.

“**Angling or Fishing.**” The taking of, or attempting to take fish by hook and line or rod in hand.

“**Upland Game Birds.**” Sharptailed grouse, blue grouse, prairie chicken, sage hen or sage grouse, fool hen, ruffed grouse commonly called native pheasant or native partridge, quail, Chinese Pheasant and Mongolian Pheasant commonly called ring-necked pheasant, Hungarian partridge, ptarmigan, and wild turkey.

“**Migratory Game Birds.**” Waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown, sandhill and whooping cranes; rails, including coots, gallinules, sora or other rails, shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, killdeer, sandpipers, Wilson snipes, or jacksnipes, snipes, stilts, plovers, willets and yellow-legs; and mourning or turtle doves.

“**Non-Game Birds.**” All wild birds not defined herein as upland game birds or migratory game birds shall be deemed non-game birds.

“**Game Animals.**” Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, and bear.

“**Fur-Bearing Animals.**” Marten or sable, otter, fox, muskrat, fisher, mink, raccoon, and beaver.

“**Predatory Animals.**” Coyote, wolf, wolverine, mountain lion, lynx, weasel, skunk, and civit cat, black-footed ferret, and bobcat.

“**Game Fish.**” Mountain trout, cutthroat or native trout, (*Salmo Mykiss*); rainbow trout, (*Salmo Irideus*); Eastern Brook trout, (*Sal velinus Fontinalis*); Grayling, (*Thymallus Montanus*); Steelhead trout, (*Salmo*

Rivularis); Dolly Varden trout, (*Salvelinus Malma*); Loch Leven trout, (*Salmo Trutta Levenesis*); Chinook salmon, (*Oncorhynchus Tschawytscha*); Silver salmon, (*Oncorhynchus Kisutch*); Sockeye salmon, (*Oncorhynchus Nerka*); Rocky Mountain whitefish, (*Coregonus Williamsoni*); yellow perch, Ringed perch, (*Perca Flavescens*); large-mouth black bass, (*Micropterus Salmoides*); small-mouth black bass, (*Micropterus Dolomieu*); common sunfish, pumpkinseed, (*Lepomis Gibosus*); Great Northern pike, Northern pickerel, (*Esox Lucius*); pike perch, wall-eyed pike, pike, yellow pike, (*Stizostedion Vitreum*); Mackinaw trout, (*Salvelinus Namaycush*)."

Section 7. That Section 3682 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

License
required.

"Section 3682. License Required. It shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to pursue, hunt, trap, take, shoot, kill or attempt to trap, take, shoot or kill, any game animal, or any game bird, or any fur-bearing animal, or to take, kill, trap, or fish, for any fish within this state, or to have, keep or possess within this State any game animal, game bird, fur-bearing animal, or game fish, or parts thereof, except as herein provided or shall be provided by the State Fish and Game Commission, or for any person to pursue, hunt, trap, take, shoot or kill, or attempt to trap, take, shoot or kill, any game animal, game bird, or fur-bearing animal, or take, kill, trap, or fish for, any fish, except at the places and during the periods and in the manner herein defined or shall be defined by the State Fish and Game Commission, or for any person to pursue, hunt, trap, take, shoot or kill, or attempt to trap, take, shoot or kill any game animal, game bird, or fur-bearing animal, or take, kill, trap, or fish for, any fish within this State, or have, keep, possess, sell, purchase, ship or reship, any imported or other fur-bearing animal, or parts thereof, without first having obtained a proper license or permit from the Commission so to do.

The provisions of this Act relative to licenses and permits shall be in full force and effect on and after May 1, 1927."

Section 8. That Section 3683 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

"Section 3683. Classes of Licenses. Licenses shall Classes of
Licenses.
be divided into the following classes:

- Class A, resident, general license.
- Class B, nonresident, general license.
- Class C, nonresident, limited license.
- Class D, nonresident, fishing license.
- Class E, alien, general license.
- Class F, alien, fishing license.
- Class G, trapper's license.

Section 9. That Section 3685 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

"Section 3685. Fees and Powers Under Licenses. Fees and
powers under
licenses.
Said applicant, if a resident of the State of Montana and a citizen of the United States, shall pay to the officer or person countersigning and issuing the license the sum of Two Dollars (\$2.00), as a license fee, and shall obtain a license of Class A, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take, and possess game, game birds and animals and to fish with hook and line or rod in hand as authorized by this Act.

All citizens of the United States who have lived in this State for at least six (6) months immediately preceding their application for a license, or officers, soldiers, sailors and marines of the United States Army, Navy or Marine Corps, shall be deemed resident citizens for the purpose of this section, as well as all officers of the Forest Service and of the Biological Survey of the United States Department of Agriculture. Citizens.

Said applicant, if a nonresident of the State, or a resident for less than six (6) months immediately preceding his application for a license, and a citizen of the United States, shall pay to the officer countersigning and issuing the license the sum of Thirty Dollars (\$30.00) as a license fee, and shall obtain a license of Class B, which shall entitle him to pursue, hunt, shoot, kill, capture, take and possess game, game birds and Non-resident
applicant.

animals, and to fish with hook and line or rod in hand as authorized by this Act; and such nonresident, on like application and on the payment of the sum of Ten Dollars (\$10.00), as a license fee, shall obtain a Class C license, which shall entitle him to pursue, hunt, shoot, kill and take game birds and to fish with hook and line or rod in hand as authorized by this Act; and such nonresident, on like application and on the payment of the sum of Three Dollars and Fifty Cents (\$3.50), as a license fee, shall obtain a Class D license, which shall entitle the holder to fish with hook and line or rod in hand as authorized by this Act.

Aliens.

Said applicant, if an alien, resident or nonresident, shall pay to the officer countersigning and issuing the license the sum of Fifty Dollars (\$50.00), as a license fee, and shall obtain a Class E license, which shall authorize him to pursue, hunt, shoot, capture, kill, take and possess game, game animals and game birds, and to fish with hook and line or rod in hand as authorized by this Act; such alien, on the payment of the sum of Ten Dollars (\$10.00), as a license fee, shall obtain a Class F license, which shall entitle him to fish with hook and line or rod in hand as authorized by this Act; provided, however, that any person in possession of first citizenship papers shall not be considered a resident of the State of Montana for the purposes of this Act.

**Trappers.
License.**

The applicant for a Class G license, or trapper's license must be the owner and in possession of a Class A license, and upon the payment of the sum of Ten Dollars (\$10.00) to the officer to whom the application for a Class G license is made shall receive and obtain a Class G or trapper's license, which shall authorize the holder thereof to trap fur-bearing animals within the State at such times and in such manner as may be lawful so to do under the laws of this State and the regulations of the Fish and Game Commission, and at such places as may be designated in said license.

**Violation a
misdemeanor.**

Any person violating any of the provisions hereof or any of the rules or regulations of the Fish and Game Commission relating hereto shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided.

**Disposition of
sums collected.**

All sums collected for licenses sold, or received for permits issued, from the sale of seized game, or from fines, or the sale of firearms or other chattels confis-

ated, from damages collected for violations of the fish and game laws of this State, from appropriations, or received by the State Fish and Game Commission, from any and all other sources are hereby appropriated to and placed under control of the State Fish and Game Commission. All moneys so received shall be remitted by the State Fish and Game Warden to the State Treasurer to be by him placed to the credit of the Fish and Game Fund.

Twenty-five cents (25c) out of every fishing and hunting license fee collected shall be set aside as a fund to be used by the Fish and Game Commission for the destruction of predatory animals. The sum of Seven Thousand Five Hundred Dollars (\$7,500.00) of said fund shall be transferred therefrom on or before January first of each year to the Bounty Fund of the State, to be used to pay bounty on predatory animals, as provided by law. Said sum of Seven Thousand Five Hundred Dollars (\$7,500.00) shall be matched with a like sum of the said Bounty Fund money derived from the tax on livestock now provided by law, and said total sum of Fifteen Thousand Dollars (\$15,000.00) or such part thereof as may be necessary, shall be expended for payment of bounties on predatory animals. In the event that there shall be any unexpended portion of said Fifteen Thousand Dollars (\$15,000.00) at the close of any bounty paying season of any year, fifty per cent (50%) of such unexpended balance shall be retransferred to the fund for the destruction of predatory animals created herein. Nothing herein contained shall be so construed as to prevent the Livestock Commission from expending from the County Fund any part thereof in excess of Fifteen Thousand Dollars, (\$15,000.00), which may be necessary for the purpose of paying bounties."

Predatory
animals.

Section 10. That Section 3689 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

"Section 3689. Carrying and Exhibiting License. It shall be unlawful and a misdemeanor punishable as in this Act hereinafter provided for any person to whom a license or permit has been issued to fish for or take any fish, or pursue, hunt, shoot, kill, or take, any game bird or game animal or attempt to trap, or trap, or take, any fur-bearing animal in this State unless at the time

Carrying and
showing license.

he shall have such license or licenses, or permit, in his possession, and it shall be unlawful to refuse to exhibit the same for inspection to any Deputy State Fish and Game Warden or other officer requesting to see the same."

Section 11. That Section 3691 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Exceptions.

"Section 3691. Exception. The provisions of the Act shall not apply to persons pursuing, hunting, capturing, shooting, killing, taking or trapping, or attempting to kill, take or trap predatory animals, prairie dogs, ground squirrels, skunks, weasels, jack-rabbits, gophers, or English sparrows, crows, hawks, snow owls, great gray owls, great horned owls, blackbirds, kingfishers, magpies, jays and eagles, which may be pursued, hunted, taken, killed, shot, trapped, possessed, bought, sold or transported at any time, and persons under fifteen (15) years of age may pursue, hunt, shoot, kill, take and capture game animals, game birds, and fish for and take fish, during the open season without a license."

Section 12. That Section 3694 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

Restrictions.

"Section 3694. Restrictions on the Manner of Taking and Possessing Fish and Game. It shall be unlawful and a misdemeanor punishable as in this Act hereinafter provided, for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot or kill any game or fur-bearing animal or game bird from any automobile or by the aid or with the use of any set-gun, jack light, or other artificial light, trap, snare or salt lick, nor shall any such set-gun, jack light, or other artificial light, trap, snare, salt lick, or other device to entrap or entice game animals or game birds be used, made or set; provided, however, that this does not prohibit the shooting of wild water fowls from blinds or over decoys with a gun only, not larger than a number ten (10) gauge, fired from the shoulder, nor shall game birds or game animals be killed or hunted from an aeroplane, powerboat, sailboat, or any boat under sail or any floating device towed by a power boat, sailboat, or any

Hunting from
automobiles
and other
barred means.

boat under sail; nor shall any person take into a field or forest or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any firearm, whether such device or mechanism be operated from or attached to any firearm; nor shall any person chase with dogs any of the game or fur-bearing animals as defined by the fish and game laws of this State; provided, however, that livestock owners, employees of the State Fish and Game Commission and of the United States Bureau of Biological Survey may use dogs in the pursuit of stock killing bears, or other means of taking stock killing bears except the use of the dead fall, providing, however, that traps shall be inspected twice each day, which inspection shall be twelve hours apart; and provided further, that a person may take game birds during the open season thereof, with the aid of a dog or dogs and any person or association organized for the protection of game, may run field trails at any time upon obtaining written permission from the State Fish and Game Warden.

It shall hereafter be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to kill or take from the waters of this State more than forty (40) fish in the aggregate, with a net weight of twenty (20) pounds and one (1) fish in any one day, of the variety of fish designated herein as game fish, nor more than five (5) such game fish which are less than seven (7) inches in length, except sunfish, yellow perch, ring perch and bass, in any one day. It is hereby declared to be the intention of this Act to provide that forty (40) fish, with net weight of not more than twenty (20) pounds and one (1) fish of any and all the game fish, shall constitute the limit for a day's fishing. It shall be unlawful and a misdemeanor, punishable accordingly, for any person to be in possession of more than five (5) game fish which are less than seven (7) inches in length, or more than forty (40) fish in the aggregate, or more than twenty (20) pounds net weight and one (1) fish of any and all kinds of game fish at any one time. This section shall apply to both fresh game fish and to game fish which have been dried, salted or otherwise cured.

Limits of fish.

It shall be lawful to catch fish in the Yellowstone, Missouri and Kootenai Rivers at any season of the year with hook and line, or rod in hand, and ling may be

Yellowstone,
Missouri,
Kootenai.

caught in said rivers at any season of the year with set-lines; provided, however, that the Commission shall have the power to limit the fishing for ling to angling when it is ascertained that game fish are being caught with said set-lines. It shall be lawful to take by angling non-game fish in any quantity from any of the waters of the State during the open fishing season pertaining to such waters.

Angling only.

Game fish shall be taken only by angling, that is by hook and line in hand or rod in hand; this does not prevent, however, the use of a landing net or gaff to land a game fish after the same has been hooked by angling as above specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid of a small hand net.

Fish bait.

The Fish and Game Commission is hereby granted authority to regulate, supervise and prohibit the use as fish bait of salmon eggs or salmon spawn, or any imitations or substance prepared therefrom, in any stream in this State whenever they deem necessary. Whenever the said Commission shall have made an appropriate order under the powers conferred upon it by this section, prohibiting the use of salmon eggs or salmon spawn, or any imitations or substance prepared therefrom, as bait in any specified stream or streams in the State of Montana, it shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to fish with or use as fish bait any salmon eggs or salmon spawn, or any imitations or substances prepared therefrom, in the stream or streams designated by such order or orders.

Ice fishing.

It shall be unlawful and a misdemeanor, punishable as hereinafter provided, to catch any game fish through the ice, except in such waters as are designated under proper order of the State Fish and Game Commission. In case any game fish is unintentionally taken contrary to the prohibitions or restrictions contained in this Act, such fish shall be immediately liberated and returned to the water without unnecessary injury. Any person who shall pursue, hunt, trap, possess, take, capture, shoot, or kill, any game animal, game bird, or fur-bearing animal or fish for, or take, or kill, or possess any fish, or have, keep, possess, sell, purchase, ship, or re-ship any fur-bearing animal of this State in any manner contrary to the provisions of this Act, shall be deemed

Other
restrictions.

guilty of a misdemeanor, and upon conviction shall be punished as hereinafter provided; provided, however, that it shall be unlawful and a misdemeanor, punishable as hereinafter provided, for any person between the fifteenth (15th) day of March and the twentieth (20th) day of May, both dates inclusive, of the same year, to catch or attempt to catch, in the waters of this State any fish whatsoever, except when license has been given to seine or net carp, buffalo fish and suckers, provided, however, the Fish and Game Commission shall have the power to change or suspend the closed season on game fish so as to meet local conditions. Provided, also that the Commission shall have the power and authority whenever in its opinion conditions warrant it to permit the sale of Rocky Mountain Whitefish and Dolly Varden trout under such rules, regulations and conditions as it may prescribe, and also to suspend and set aside the maximum limit of fish of these varieties, one may catch in a single day or have in his possession at one time."

Section 13. That Section 3696 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

"Section 3696. Open Season for Elk. The open season for elk shall begin October fifteenth (15th) and end November fifteenth (15th), both dates inclusive, of each year. The closed season for elk shall begin November sixteenth (16th) of each year and end October fourteenth (14th) of the following year, both dates inclusive; provided, however, that in all of that portion of Ravalli County drained by the west fork of the Bitter Root River the open season for elk shall begin with the Twentieth (20th) day of September and end with the Twentieth (20th) day of October, both dates inclusive, except, however, that the State Fish and Game Commission may in its discretion shorten the open season in such territory in Ravalli county. During the open season for elk it shall be unlawful and punishable as hereinafter provided for any person to shoot, or kill, or take, or cause to be shot, or killed, or taken, more than one (1) elk, or for any person during the closed season for elk, to pursue, hunt, shoot, kill, take or capture or cause to be pursued, hunted, shot, killed, taken, or captured, or attempt to shoot, kill, take, or capture,

Season for
Elk.

any elk, or for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food; provided, also, that it shall be unlawful and a misdemeanor, punishable as in this Act provided, for any person at any time to pursue, hunt for, shoot, kill, take, or capture, or cause to be shot, killed, taken or captured, or attempt to shoot, kill, take, or capture, any elk within the counties hereinafter described and which are designated hereby as "Preserve for Elk", the same to remain closed until opened by the State Legislature, or by order of the State Fish and Game Commission, which Commission is hereby authorized to provide limited open seasons in such counties and for such areas as in its judgment is warranted and to provide necessary rules and regulations governing such limited open seasons. Provided further that one (1) elk of either sex may be killed in Granite County and in that portion of Powell County lying South and West of the Deer Lodge River from and including November tenth (10th) to and including November twelfth (12th).

Bull Elk only.

The following named counties, as a whole: Deer Lodge, Fergus, Chouteau, Valley, Golden Valley, Daniels, Roosevelt, Fallon, Wibaux, Richland, Granite, Phillips, Stillwater, Sanders, Silver Bow, Broadwater, Musselshell, Hill, Sheridan, Judith Basin, McCone, Big Horn, Lincoln, Rosebud, Mineral, Beaverhead, Powder River, Garfield, Carbon, Cascade, Meagher, Blaine, Yellowstone, Liberty, Carter, Custer, Prairie, Dawson, Toole, Ravalli, Treasure, Wheatland, Lake, and Sweet Grass.

All of Jefferson County with the exception that said county shall be open from November twelfth (12th) to November Fourteenth (14th) both dates inclusive, of each year, to the hunting of bull elk only, carrying visible horns.

Portion of
Lewis and
Clark.

All of Lewis and Clark County, except that portion lying and being within the following described boundaries: Beginning at the point where the Big Blackfoot River intersects the county line between Lewis and Clark and Powell counties, running thence up the north bank of the Blackfoot River to the mouth of Cadotte Creek, thence up Cadotte Creek to the top of the Continental Divide, thence northerly along the Continental Divide to Scapegoat Mountain where the headwaters of the North Fork of the Blackfoot begin, thence

down the North Fork of the Blackfoot River to its intersection with the county line between Lewis and Clark and Powell Counties, thence along said county line to the point of beginning. In said excepted portion of Lewis and Clark County the open season on elk shall begin November first (1st) and end November fifteenth (15th), both dates inclusive, of each year. Also that portion of Lewis and Clark County lying North of the North Fork of the Dearborn River not including within a game preserve. In said last excepted portion of Lewis and Clark County the open and closed seasons on elk shall be the same as the general open and closed seasons hereinbefore provided.

Also all of Missoula and Powell counties, except the drainage area of the Clearwater River and its tributaries and that portion of said counties north of the Big Blackfoot River and east of the drainage area of the Clearwater River and except that portion of Missoula County within the drainage area of Swan River and its tributaries and except that portion of Missoula and Powell counties within the drainage area of the South Fork of Flathead River and its tributaries.

Missoula and Powell.

All of Gallatin County shall be open to elk hunting except that portion lying north of the township line between townships three (3) and four (4) north.

Gallatin.

Provided further, that nothing herein shall be construed to authorize the hunting of game of any kind within the Spotted Bear Game Preserve, Sun River Game Preserve, or the Gallatin Game Preserve, or any other game preserve or refuge now established or which may hereafter be established by the State Legislature or by orders of the Fish and Game Commission, except the Highwood National Forest Game Preserve, which the State Game and Fish Commission may open, for a limited season, for the hunting of game as in its judgment is warranted, and to provide necessary rules and regulations governing such limited open season.

Preserves.

Provided further, that elk may be killed as provided herein, in County of Park from and including October fifteenth (15th) to and including the twentieth (20th) day of December of any year, except that the State Fish and Game Commission shall, in its discretion, have power to shorten such season and declare said Park County closed to the hunting or killing of elk at any time during the open season in Park County, upon

Park.

Penalty.

giving no less than five (5) days' notice thereof by publishing such notice in at least one (1) newspaper of general circulation published in said Park County, which said publication shall be at least five (5) days prior to the time fixed by such Commission for the closing of such season. And provided further, that it shall be unlawful and a misdemeanor, punishable as in the section provided, for any person to shoot or kill or attempt to shoot or kill any elk in Park County between the hours of five (5) P. M. of any day and eight (8) A. M. of the following day, Mountain time. Any person violating any of the provisions of this Section or any of the orders of the Fish and Game Commission relating hereto shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for not less than Thirty (30) days or not more than six (6) months, or by both such fine and imprisonment."

Deer season.

Section 13a—Section 3697. Open Season for Deer. The open season for deer shall begin October 15th and shall end November 15th, both dates inclusive, of each year. The closed season for deer shall begin November 16th of each year and end October 14th of the following year, both dates inclusive; provided, however, that in all of that portion of Ravalli County drained by the west fork of the Bitter Root River, the open season for deer shall begin with the Twentieth (20th) day of September and end with the Twentieth (20th) day of October, both dates inclusive, of each year, and provided further, however, that it shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to shoot, hunt, kill, take or capture, or cause to be shot, killed, taken or captured, any deer, at any time within the counties of Yellowstone, Rosebud, Custer, Musselshell, Powder River, Carter, Richland, Roosevelt, McCone, Dawson, Carbon, Teton, Phillips, Prairie, Garfield, Treasure and Valley, and within all of that portion of Fergus County lying north of the township line between townships eighteen (18) and nineteen (19) and east of the range line between ranges twenty-four (24) and twenty-five (25) in said county, also all of Glacier and Pondera counties lying within the Lewis and Clark National Forest; and also all of that portion of Gallatin County lying and

being north of the south line of township four (4), north, M. P. M.

During the closed season for deer it shall be unlawful for any person to take, hunt, shoot, kill or capture, or cause to be taken, hunted, shot, killed or captured any deer; during the open season for deer it shall be unlawful for any person to shoot or kill or cause to be shot or killed any deer other than one (1) male deer with horns not less than four (4) inches in length above the top of the skull. Provided, however, that it shall not be unlawful to take one deer of either sex in Mineral, Beaverhead, Madison, Glacier, Lake, Flathead, Lincoln, Sanders, and Ravalli Counties. It shall also be unlawful and a misdemeanor punishable as in this Act hereinafter provided, for any person responsible for the death of any deer to wilfully waste any portion or portions of said deer suitable for food.

Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as in this Act hereinafter provided. Penalty.

Section 14. That Section 3700 of the Revised Codes of Montana as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly State of Montana, 1925, be, and the same is hereby amended to read as follows:

"Section 3700. Closed Season for Certain Game Birds. Any person who, at any time within this State, hunts, shoots, kills, captures, or causes to be shot, killed, or captured, or attempts to shoot, kill, or capture any quail, Chinese or Mongolian pheasants, commonly called Ringneck pheasants, Hungarian partridge, ptarmigan or wild turkey, or has in his possession any of such birds or any part of any such birds, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment, provided that the Commission shall have the jurisdiction, power, and authority to open for limited periods of time, any county in the State or any portion thereof, to the hunting, shooting, killing, taking, or capturing of any of the birds herein mentioned, when in its opinion, conditions will justify the same, and to

Season for
game birds.

declare the number and sex of birds to be taken, killed, or possessed in any one day of said open season or for the entire open season so created by said Commission.

Section 15. That Section 3701 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be, and the same is hereby amended to read as follows:

Grouse.

"Section 3701. Open and Closed Seasons for Grouse.

The open season for sharp tailed grouse, blue grouse, fool hen, ruffed grouse commonly called pheasant or partridge, prairie chicken, sage hen or sage grouse, shall begin on the sixteenth (16th) day of September and end on the twenty-fifth (25th) day of September of the same year, both dates inclusive. The closed season for the game birds named herein shall begin on the twenty-sixth (26th) day of September of each year and end on the fifteenth (15th) day of September of the following year, both dates inclusive. During the open season for the game birds named herein it shall be unlawful and a misdemeanor, punishable as hereinafter provided, for any person in any portion of the State of Montana to shoot, kill or capture, or take, or cause to be shot, killed, or captured, or taken, more than five (5) sharp tailed grouse, blue grouse, fool hen, ruffed grouse commonly called pheasant or partridge, prairie chicken, sage hen or sage grouse, in the aggregate of all kinds in any one day; it shall be unlawful and a misdemeanor, punishable as hereinafter provided, for any person to have in his possession more than five (5) of any such birds in the aggregate of all kinds at any one time. During the closed season for the game birds herein named it shall be unlawful and a misdemeanor, punishable as herein-after provided, to shoot, kill or capture take or cause to be shot, killed or captured, or taken, any of the game birds named herein, provided, however, that the Commission shall have the power to advance the date of the open season on sage grouse in any county of this State when said Commission feels convinced that such change is necessary and meets with the approval of the sportsmen and property owners in such community, provided the notice of opening of a particular county or part thereof shall be advertised in a newspaper of that county at least ten (10) days prior to such opening date.

Section 16. That Section 3703 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be, and the same is hereby amended to read as follows:

“Section 3703. Closed Season and Bag Limits on Migratory Game Birds. Any person who, during the period beginning the first (1st) day of January of any year and the fifteenth (15th) day of September of the same year, both dates inclusive, hunts, kills or captures, or causes to be shot, killed or captured, or attempts to shoot, kill or capture any wild ducks, wild geese, brant, Wilson snipe or jacksnipe, greater or lesser yellowlegs, coot or gallinule, or who during the period beginning the first (1st) day of December of any year and the fifteenth (15th) day of September of the following year, both dates inclusive, hunts, kills, or captures, or attempts to shoot, kill or capture any sora or other rail, except coot and gallinule, or who in any one day during the open season shoots, kills or captures, or causes to be shot, killed or captured more than twenty-five (25) wild ducks (other than wood duck and eider duck) in the aggregate of all kinds, eight (8) wild geese in the aggregate of all kinds, eight (8) brant, twenty (20) wilson or jacksnipes, twenty-five (25) rails and gallinules, in the aggregate of all kinds, but not more than fifteen (15) of any one species, twenty-five (25) sora, twenty-five (25) coot, fifteen (15) greater and lesser yellowlegs in the aggregate of both kinds, or who hunts, shoots at, captures, kills, or attempts to capture or kill any migratory birds on any day except from half an hour before sunrise to sunset during the open season prescribed therefor, or who at any time of year hunts, shoots, kills or captures, or causes to be shot, killed or captured any little brown sandhill and whooping cranes, swan, woodcock, avocet, curlew, dowitcher, godwit, knot, plover, killdeer, sandpiper, willet, or other shore bird except greater and lesser yellowlegs, wilson snipe or jacksnipe, or who shall possess any wild duck, wild goose, brant, Wilson or jacksnipe, greater or lesser yellowlegs, coots or gallinule, during the period beginning the eleventh (11th) day of January of any year and the fifteenth (15th) day of September of the same year, both dates inclusive, or who shall possess any sora or other rail, (except coot and gallinule), during the

Migratory
game birds.

period beginning the eleventh (11th) day of December of any year and the fifteenth (15th) day of September of the following year, both dates inclusive, shall be guilty of a misdemeanor and upon conviction shall be punished as hereinafter provided.

The Fish and Game Commission is hereby authorized and empowered to make such changes in the provisions of this Section as shall be necessary to make said provisions conform at all times to the regulations of the United States Department of Agriculture pertaining to all and any of the migratory birds named herein.

Section 17. That Section 3704 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

Season fur
bearing
animals.

“Section 3704. Closed and Open Seasons for Fur-Bearing Animals. Any person who between the fifteenth (15th) day of April of any year and the first (1st) day of December of the same year, shoots, traps, kills or captures, or causes to be shot, trapped, killed or captured, or attempts to shoot, trap, kill or capture any marten or sable, otter, fox, mink, muskrat, raccoon or fisher, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as in this Act hereinafter provided. Provided, however, that when it is shown that muskrats are doing severe injury upon, or are a menace to the structures, canal banks or other works of an irrigation project or district, any resident landowner on such project or district may kill or trap or cause to be killed or trapped any muskrat upon or in menacing proximity to the structures, canal banks or other works of such project or district during the closed season on muskrats, after having secured from the State Fish and Game Warden a permit so to do, except that from June first (1st) to August thirty-first (31st), both dates inclusive, of each year, no such permit shall be required. The furs and hides of such animals, legally taken during the open season, may be possessed, bought and sold at any time.

“It shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to shoot, trap, kill or capture, or cause to be shot, trapped, killed or captured, or to attempt to shoot, trap, kill or capture any otter, raccoon, marten or sable,

until such time as the Commission shall provide an open season on marten or sable, otter, or raccoon, and any person violating any of the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished as in this Act hereinafter provided.

“It shall be unlawful and punishable as in this Act hereinafter provided, for any person at any time to wilfully destroy, open or leave open, or partially destroy, the house of any muskrat or beaver. Destroying
houses.

“The open season on fur-bearing animals shall begin on December first (1st) of each year and end on April fifteenth (15th) of the following year, both dates inclusive.”

Section 18. That Section 3714 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

“Section 3714. Catching Fish Except With Pole, Line and Hook—Use of Traps, Nets and Seines Except As Provided in Section 12 of This Act. Every person who takes or catches fish in any of the waters of this State except with hook and line held in hand or line and hook attached to rod or pole held in hand, or who takes or catches fish with hook baited with any poisonous substance or by means of the use of any poisonous substance, including fish berries, or who takes or catches fish by means of the use of fish traps, grab hooks, seines, nets, or other similar means for catching fish, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided for in Section 3706 of the Revised Codes of Montana, 1921, and the amendments thereto; provided, however, that the Montana Fish and Game Commission shall have the power, authority, and jurisdiction, to designate such waters within the State of Montana, wherein, in the judgment of the members of said Commission, traps, seines, or nets may be used for the taking of non-game fish and Dolly Varden trout, and to close such waters so designated at the discretion of the Commission, and to permit the taking of black bass in Flathead Lake, the taking of all fish by said means in said waters when so designated to be done under such rules and regulations as said Commission may prescribe with reference thereto, and under the supervision of said Commission, and all Hook and
line only.

Permission
for traps,
seines.

such fish so taken may be possessed and sold in such manner and under such restrictions as said Commission may direct, all fish other than those herein designated so taken under said rules and regulations when prescribed by said Commission, shall be returned uninjured to the waters from which they were taken."

Section 19. That Section 3722 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

Beaver
protection.

"Section 3722. Protection of Beaver. Beaver License. No person shall take, trap, kill, capture or attempt to take, trap, kill or capture, or in any way destroy any beaver in the State of Montana, or possess, buy, sell, ship or transport within or without the State, or cause the same to be done, any beaver or any part thereof including skins or hides and castors, whether taken within or coming from without the State, except as hereinafter permitted.

License.

"Provided that upon payment of a fee of Ten Dollars (\$10.00) the State Fish and Game Warden may issue a permit to any bona fide owner or lessee of real estate which is being actually and materially damaged by beaver, to take or destroy beaver on his own premises only, and provided that the warden shall, when issuing the permit mentioned, designate therein the maximum number of beaver that may be taken or destroyed under such permit. All applications for beaver permits shall be filed with the State Fish and Game Warden, between the dates of May first (1) and November thirtieth (30th) of each year. The term 'premises' shall be construed to include any irrigation ditch or right of way appurtenant to the land for which said license or permit is issued.

Examination
and
investigation.

"That the State Fish and Game Warden shall in person or by deputy examine the premises and investigate the alleged damage by beaver before issuing a license or permit.

Skins and
report of
killing.

"Any person trapping beaver under a license or permit of the State Fish and Game Warden shall properly care for all skins of beaver taken thereunder and as soon as cured shall send them to the State Fish and

Game Warden with a report giving permit number and the place and date of capture. The State Fish and Game Warden or his deputy, if satisfied of the legal taking thereof, shall securely attach a numbered metal tag to each skin so received. A record of all skins so tagged shall be kept by the State Fish and Game Warden which shall show the license number under which the skins were caught, the name and address of the permittee, and the number of the tag fastened to each skin. The skin or skins shall then be returned to the owner, who shall pay all transportation charges both ways and shall pay to the State Fish and Game Warden Fifty Cents (\$.50) for each skin so tagged.

“Any person who shall receive or bring in from without the State any beaver skin or skins shall report their arrival in the State within three days to the State Fish and Game Warden and furnish an affidavit setting forth the number of skins, the date of receipt, the name and address of the person from whom procured, the manner or method of transportation into the State, and shall forward said beaver skin or skins together with the aforesaid affidavit to the State Fish and Game Warden. The State Fish and Game Warden shall forthwith cause such skins, if found to have been lawfully caught or killed outside the State and lawfully exported to the State of Montana, to be tagged with distinctive numbered metal tags securely attached thereto upon payment of a fee of Fifty Cents (\$.50) for each skin so tagged, and the State Fish and Game Warden shall keep a record of all skins so tagged.

Imported
skins.

Tags and
fees.

“The said metal tag shall remain attached to the beaver skin to which it was originally affixed by the State Fish and Game Warden or his Deputy until it is dressed and manufactured into an article of commerce. or it shall accompany any skin shipped or transported out of the State. It shall be a misdemeanor, punishable as hereinafter provided, to remove a tag from such skin, to duplicate or reproduce such tags for fraudulent purposes or use contrary to the provisions of this Act, or to misuse any tag detached from the skin to which it was originally attached by the said State Fish and Game Warden or his deputy.

“Beaver skins, taken within the State under permit, and those coming from without the State, tagged as herein provided, may be possessed, bought, sold or

Exported
skins.

transported at any time within the State of Montana, but no beaver skin or skins may be exported in any manner from the State without the shipper first obtaining an export or shipping permit from the State Fish and Game Warden, which may be issued upon application showing the kind and number of the metal tags on said skins and the payment of a fee of Fifty Cents (\$.50) for the permit for each shipment.

Marking of
packages.

"Any package offered for transportation from the State which contains a beaver skin or skins shall be clearly marked on the outside thereof with the names and addresses of the consignor and the consignee, the number and kind of skins contained therein, and the number of the shipping permit. The taking and sale of live beaver under permit issued by virtue of the provisions of this Section shall be regulated by the Fish and Game Commission, and the license fee to be charged for sale of live beaver shall be Three Dollars (\$3.00) for each beaver sold, provided that live beaver shall be sold only to those who hold a license for the purpose of the propagation of fur-bearing animals in this State.

Fee for selling
live beaver.

Penalty.

"Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be punished as hereinafter provided, and any beaver skin or skins taken or found in this State or which have been shipped out of this State except as specifically permitted by this Section are hereby declared contraband and shall be seized by the State Fish and Game Warden, deputy or other officer authorized to enforce the provisions of this Act. All skins so seized shall be marked or tagged for identification and sold by the State Fish and Game Warden to the best advantage, and the proceeds therefrom turned into the State Treasury to be credited to the Fish and Game Fund.

Marking of
skins.

Beaver
trapping
permits.

"Beaver trapping permits issued under the provisions of this Act shall expire May first (1st) of each year and all beaver skins taken thereunder and not reported and tagged according to the provisions of this Section prior to July first (1st) following shall be subject to seizure and sale as herein provided."

Section 20. That Section 3723 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Mon-

tana, 1923, be and the same is hereby amended to read as follows:

“Section 3723. Any person who at any time shall hunt, capture, kill, possess, purchase, offer or expose for sale, ship, transport or cause to be shipped or transported any wild bird other than a game bird, or any part of the plumage, skin or body of any such bird, irrespective of whether said bird was captured or killed within or without the State, or take or destroy the nest or eggs of any such wild bird, except under a certificate or permit issued by the State Fish and Game Warden, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided; provided, however, that the provisions of this Section shall not apply to the hunting, trapping or killing of English sparrows, crows, eagles, hawks, snow owls, great gray owls, great horned owls, blackbirds, kingfishers, magpies and jays and such other birds as the Fish and Game Commission shall designate, or the taking or destruction of their nests and eggs.”

Interference
with birds.

Exceptions.

Section 21. That Section 3725 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

“Section 3725. The possession of dead bodies, or any part thereof, of any of the game fish, game or non-game birds, game or fur-bearing animals defined by the Fish and Game Laws of the State of Montana, shall be prima facie evidence that such person or persons in whose possession the same are found have killed, caught, or taken the same, and the possession of a fishing rod and line on the banks or shores of a stream or lake shall be prima facie evidence that the person or persons in whose possession the same are found was using the same to fish.

Prima facie
evidence.

“Any person who shall possess, have or hold, or purchase, or keep in storage, or possess for any other purpose, any game fish, game bird, non-game bird, game animal, fur-bearing animal, or parts thereof, which shall have been lawfully killed, captured or taken, or who shall unlawfully use any fishing rod and line, or fishing line, shall be guilty of a misdemeanor punishable as hereinafter provided.”

Penalty.

Section 22. That Section 3730 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

Removal from
State.

“Section 3730. It is hereby declared to be unlawful and a misdemeanor, punishable as hereinafter provided, for any person or persons to ship or take out of the State any of the game or non-game birds, fish, game animals, fur-bearing animals, or the skins of fur-bearing animals, or any parts thereof, which are mentioned in this Act whether taken within or coming from without the State, except the same be done in the manner provided for by Sections 3730, 3731, and 3732 of the Revised Codes of Montana as amended by this Act.”

Section 23. That Section 3731 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

Permit to
remove from
State.

“Section 3731. Any resident of this State who desires to ship out of the State any game animals, game or non-game birds, fish, fur-bearing animals, or the skins of fur-bearing animals, or parts thereof, legally taken or killed in the State during the open season therefor, or coming from without the State, shall first procure a permit from the State Fish and Game Warden, said permit stating the name of the consignee and consignor, destination and number and kind of game or non-game birds, game animals, fish, fur-bearing animals, or the skins from fur-bearing or parts thereof, that is to be shipped, and said permit shall be presented to the transportation company with consignment.”

Section 24. That Section 3732 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

Non-resident
with license
may ship.

“Section 3732. Any nonresident of this State who has procured a proper license to hunt or fish within this State, and who desires to ship out of the State any of the game animals, game birds, fish, or any part thereof, taken or killed by him during the open season for killing the same, the same having been killed law-

fully, shall present to the transportation company his license with the consignment of game or fish to be shipped, provided, that no person shall ship in one year more game or fish than it is lawful for one person to kill in a single open season. Provided that any non-resident who desires to ship or take out of the State, any fur-bearing animal, or the skins from fur-bearing animals, or parts thereof, legally acquired, shall first procure a permit from the State Fish and Game Warden, said permit stating the name of the consignee and the consignor, destination and number and kind of fur-bearing animals, or the skins from fur-bearing animals that are to be shipped and said permit shall be presented to the transportation company with the consignment."

Proviso.

Section 25. That Section 3733 of the Revised Codes of Montana of 1921, as amended by Chapter 192, Laws of the Nineteenth Legislative Assembly, State of Montana, 1925, be and the same is hereby amended to read as follows:

"**Section 3733.** All shippers of fish, game or non-game birds, game animals, fur-bearing animals, or the skins of fur-bearing animals or predatory animals, or parts thereof, are hereby required to label all packages offered for shipment by parcel post, common carrier or otherwise, such label to be securely attached to the address of the package and plainly indicate the names and addresses of the consignor and consignee and the complete contents of said package. All persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished as hereinafter provided."

Labeling of packages.

Section 26. That Section 3734 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

"**Section 3734.** No person or persons, or the agent or employee of any common carrier, association, stage, express, railway or transportation company shall transport or receive for transportation or carriage or sell or offer for sale any of the game animals, game or non-game birds, fish, fur-bearing animals, or the skins of fur-bearing animals, or parts thereof, except as specifically provided for by this Act, and all game or non-game birds, fish, game animals, or fur-bearing animals, or parts thereof had in possession, or which have been

Seizure of game in transportation.

shipped or are being transported in violation of any of the provisions of this Act, shall be seized, confiscated, and disposed of as provided by law. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and punished as hereinafter provided."

Section 27. That Section 3736 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

Fee for
shipping
permit.

"**Section 3736.** The State Fish and Game Warden shall make a charge of Fifty Cents (\$.50) for each and every shipping permit issued by him for the shipment of game or non-game birds, fish, game, animals, or fur-bearing animals, or parts thereof, out of the State. All money so received shall be turned over by him to the State Treasurer at the time and in the manner provided by law, and the State Treasurer shall place such money to the credit of the State Fish and Game Fund."

Section 28. That Section 3742 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

Scientific or
propagating
purposes.

"**Section 3742.** It is hereby made unlawful for any person to purchase, sell, offer to sell, possess, ship, or transport within or out of the State any game fish, wild bird, game or fur-bearing animal or part thereof, protected by the laws of this State, or coming from without the State, whether belonging to the same or different species from that native to the State of Montana, except as specifically permitted by this Act. The provisions of this Section shall not apply to the plumage of wild waterfowl lawfully killed when purchased or sold for other than millinery purposes, or to birds or animals collected or possessed under a permit issued by the proper State Fish and Game Warden for scientific or propagating purposes, nor shall the provisions of this Section be construed to prohibit the purchase, sale or offering for sale, shipping, transporting, or possession for sale, any head, skin, or scalp, mounted or unmounted, or any full-sized mount of any game animal lawfully killed, provided the seller, before selling any such specimen shall first obtain from the State Fish and Game Warden a permit authorizing him to sell it, nor to the sale of fur-bearing animals, or the skins of fur-bearing animals, except untagged beaver skins, nor to the ex-

port of fur-bearing animals or the skins of fur-bearing animals under proper permit of the State Fish and Game Warden. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished as hereinafter provided."

Section 29. **Penalties.** Any person found guilty of a violation of the terms or provisions of this Act, shall be punished in the manner provided by Section 3706 of the Revised Codes of Montana of 1921, as amended by Chapter 192 of the Nineteenth Legislative Assembly, of the State of Montana of 1925. Penalties.

Section 30. That Section 3744 of the Revised Codes of Montana of 1921, and all Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 31. If any Section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or inoperative, such decision shall not affect the validity of the remaining portions of this Act. Saving clause.

Section 32. That Section 3670 of the Revised Codes of 1921 be amended to read as follows:

"Section 3670. State Fish and Game Fund. All sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the fish and game laws of this State, from the appropriations, or received by the Commission from any other source, shall be turned over to the State Treasurer, and placed by him in a special fund known and designated as the 'State Fish and Game Fund'; provided, that out of any fines imposed by a Court for the violation of this Act, the costs of prosecution shall be paid to the county where the trial was held, in any case where the fine is not imposed in addition to the costs of prosecution. Said fund is hereby exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses and expenditures of every source and kind whatsoever, authorized to be made by the State Fish and Game Commission under the terms of this Act, and said funds shall be expended for any and all such purposes, by said Commission, subject to the proper audit and allowance by the State Board of State fish and game fund.

Examiners and by appropriation by the Legislative Assembly at each session.”

Section 33. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 60.

An Act Creating the Department of State Lands and Investments; Making the State Board of Land Commissioners the Governing Board of This Department; Providing for the Appointment of a Commissioner of State Lands and Investments; Designating this Commissioner and the State Forester as the Chief Executive and Administrative Officers Under this Board; Providing Other Officers and Agencies to Assist in Carrying Out the Work of the Department; Prescribing the Powers and Duties of this Board and of All Officers, Employees, Agencies, and Persons Acting for or Under this Board in the Selecting, Classifying, Appraising, Use, Leasing, Exchange, Selling and Disposing of State Lands, and the General Care, Custody and Management of Such Lands; and in the Administration of Other Business Relating Thereto and Coming under this Department; in the Care, Custody, Investment and Management of the Funds Arising from Such Lands or Otherwise Subject to Their Control; Prescribing Some of Their Powers and Duties Under Article 21 of the Constitution; Fixing their Term of Service, Manner of Qualifying, Salaries, Emoluments and Compensation; Prescribing Fines and Penalties for Nonfeasance or Malfeasance in the Performance of Their Duties; and Repealing Section 207, Section 1805, Sections 1809 to 1829, Both Inclusive, Section 1840, Sections 1843 to 1871, Both Inclusive, Sections 1882 to 1911, Both Inclusive, Section 1918, All of such Sections being of the Revised Codes of Montana of 1921; and Section 4014 of the Revised Codes of Montana of 1921 as Amended by Chapter 147 of the Laws of the Eighteenth Legislative Assembly, and Chapter 94 of the Laws of the Eighteenth Legislative Assembly; and Chapters 90, 134, 168, and

190 of the Laws of the Nineteenth Legislative Assembly, and also Repealing any Other Act or Part of Act in Conflict with the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

PART ONE.

Section 1. **Department of State Lands and Investments Created. Purpose.** There is hereby created a department of the government of the State of Montana to be known and designated as the "Department of State Lands and Investments." The general purpose of this department shall be to administer the Federal Land Grants made to the State of Montana, and the other state lands, and the funds arising from these lands, and the funds coming under its control through the provisions of Article XXI of the State Constitution, or otherwise, as hereinafter more specifically provided.

Department created.

Purpose.

Section 2. **Definitions.** In this Act, the term "department" shall mean the Department of State Lands and Investments; the term "Board" shall mean the State Board of Land Commissioners; the term "commissioner" shall mean the Commissioner of State Lands and Investments; the term "assistant commissioner" shall mean the Assistant Commissioner of State Lands and Investments; the term "state land" or "lands" shall mean and include all lands that have heretofore been granted and that hereafter may be granted to the State by the United States for educational purposes or for any other purpose, either directly or through exchange for other lands; all lands that have become the property of the State through deed or devise from any person; all lands to which the State has become the owner through a mortgage to the State, either by foreclosure or otherwise; and all lands that have become the property of the State through the operation of law, except, however, such of these lands as the State has sold and conveyed through the issuance of patent; and except also lands that are used as building sites, campus grounds, or for experimental purposes by any of the State Institutions, and has become the property of such institution; the term "mortgage land" or "mortgage lands" shall mean land or lands to which the State has become the owner through a mortgage thereon either by foreclosure or otherwise.

Definitions.

Powers and
duties.

Section 3. Powers and Duties of the Board. The State Board of Land Commissioners, consisting of the Governor, Superintendent of Public Instruction, Secretary of State and Attorney General, as provided by the Constitution, shall be the governing board of the Department of State Lands and Investments; it shall have and exercise general authority, direction and control over the care, management and disposition of all state lands and the funds arising from the leasing, use, sale and disposition of such lands or otherwise coming under its administration. In the exercise of these powers, the guiding rule and principle shall be that these lands and funds are held in trust for the support of education, and for the attainment of other worthy objects helpful to the well being of the people of this State; and that it is the duty of the board so to administer this trust as to secure the largest measure of legitimate and reasonable advantage to the State. The enumeration in this Act of specific powers conferred upon the board shall not be so construed as to deprive the board of other powers not enumerated but inherent in the general and discretionary powers conferred by the Constitution, and necessary for the proper discharge of its duties; but there can be no such implied powers inconsistent with any part of the Constitution, nor shall any inherent powers be assumed to exist which would be inconsistent with any statutory provision or with the general rule and principle herein stated.

Meetings.

Section 4. Meetings of the Board; Preservation of Records. The board shall hold regular meetings on the second Wednesday of each month, and may hold special meetings whenever deemed necessary, upon call of the president or a majority of the members. Three members of the board shall constitute a quorum for the transaction of business. The Governor shall be the president of the board; in his absence and the absence of the Lieutenant Governor, the Superintendent of Public Instruction shall preside. The board may adopt whatever rules and regulations it deems proper for the conduct of its meetings. It shall cause complete minutes to be kept of its proceedings in a suitable book provided for that purpose and all important documents, maps, plats and papers to be properly cared for and preserved.

Records.

PART TWO.

The Commissioner, the State Forester; Their Powers and Duties. Commission.

Section 5. **Appointment of Commissioner; Manner of Qualifying.** Appointment. The Governor, by and with the consent of the Senate, shall appoint a Commissioner of State Lands and Investments, who shall be the chief administrative and executive officer under the board in all matters except those pertaining to the state forests, who shall not be a member of the State Board of Land Commissioners and whose term of office shall be four years, or until his successor has been appointed and qualified. Qualifying. Before assuming the duties of his office, the commissioner shall take and subscribe to the constitutional oath of office and shall provide a surety company bond in the amount of Twenty-five Thousand Dollars (\$25,000.00) conditioned for the faithful discharge of his duties, which bond shall be subject to the approval of the board and filed with the Secretary of State; the premium thereon shall be paid by the State as the bonds of other state officials.

Section 6. **State Forester.** Forester. The State Forester shall be the chief administrative and executive officer under the board in all matters pertaining to the state forests. His powers, duties, qualifications, compensation and entire status shall be as now provided by law.

Section 7. **Appointive Powers of Commissioner; Management of Office.** Appointive powers. The commissioner shall have the authority to appoint one assistant commissioner, one cashier, one secretary, one chief field agent, and such number of assistant field agents, clerks, stenographers and other employees as he may deem necessary for the proper performance of the work of his office, subject, however, to the approval of the State Board of Examiners as to the number of clerks and stenographers and employees. Management. He shall also have authority to prescribe rules and regulations, not inconsistent with law, for the organization and management of his office, for the conduct of the office and field forces, for the distribution and performance of its business, and the custody, use and preservation of its records, papers, books, documents, equipment and other property.

Powers and
duties of
commissioner.

Ex-officio
Secretary.

Section 8. Powers and Duties of Commissioner; Ex-Officio Secretary of the Board. He shall be ex-officio the secretary of the State Board of Land Commissioners, keep the minutes of its proceedings, be the custodian of its seal and records and carry out its orders. Under the direction of the board and all legal provisions governing such business, and through the proper officers, agencies and persons herein provided, he shall have charge of the selecting, exchange, classification, appraisal, leasing, management, sale and other disposition of the state lands and the investment of the funds arising therefrom or otherwise coming under the administration of the department. He shall perform such other duties as the board may direct, the purpose of the department seems to demand, or the statutes require. He shall collect and receive all moneys payable to the State through his office as fees, rentals, royalties, interest, penalties, payments on mortgages or lands purchased from the State or derived from any other source, and shall issue triplicate receipts for each and all of such payments, one of which shall be mailed or delivered to the payor, and one retained in his office. On or before the fifteenth day of each month and also on or before the thirtieth day of each month he shall report and pay over to the State Treasurer all moneys received since the last previous settlement for which final receipts have been issued; at the same time he shall turn over to the State Auditor all triplicates of the receipts issued during that period.

State Treasurer
reports.

Section 9. Reports by State Treasurer. On or before the tenth day of each calendar month, the State Treasurer shall report to the commissioner the amount of money received by him during the preceding month from each source, except from the commissioner, for each income fund and each permanent fund arising from a federal land grant or otherwise under the control of the State Board of Land Commissioners; also the amount paid out from each such income fund or permanent fund during such month and the object of such payment; and also the balance uninvested in each such fund; these reports shall be on such forms and contain such additional information as the commissioner shall prescribe and the board approve.

Section 10. Biennial Report by Commissioner. On or before the first day of December of each even numbered year the commissioner shall prepare and publish a report

giving summaries of all important transactions of his office during the two preceding fiscal years terminating on June 30th of that year, and also showing fully the amount of all assets belonging to each of the permanent funds and income funds under the administration of the department as of that date, together with such other information relating to the affairs of the department as the board or the commissioner may deem worthy of publication. He shall also from time to time furnish such information and make such additional reports as the good of the department may seem to demand or the board require.

Section 11. Duties of Assistant Commissioner. The assistant commissioner of state lands and investments shall perform such work, services and duties as the commissioner may from time to time designate; during the absence or disability of the commissioner he shall perform all the duties of the commissioner.

Assistant commissioner duties.

Section 12. Duties of Chief Field Agent. Under the direction of the commissioner, the chief field agent shall have charge of all the field work of the department, except the work falling under the office of the state forester, and shall perform such additional services and duties as the commissioner may from time to time designate.

Chief field agent duties.

Section 13. Oath of Office and Bonds. The assistant commissioner, the chief field agent, and the cashier shall each take and subscribe to the constitutional oath of office before entering upon his duties and shall provide a surety company bond conditioned for the faithful discharge of his duties, which bonds shall be in such amount as the State Board of Land Commissioners may designate, the bonds to be approved by the State Board of Land Commissioners and filed with the Secretary of State. The premium on such bonds shall be paid by the State as other bonds of state officials. The board may require any other officer or employee of the department to furnish a surety company bond in such amount as it may designate.

Oath of office.

Surety bond.

Section 14. Salaries and Compensation. Persons Now Appointed to Hold Office During Terms for Which Appointed. Appropriations. The salary of the Commissioner shall be Thirty-Six Hundred Dollars (\$3600.00) per annum; the salary of the assistant commissioner

Salaries.

shall be Twenty-Four Hundred Dollars (\$2400.00) per annum; and the salary of the chief field agent shall be Three Thousand Two Hundred and Fifty Dollars (\$3250.00) per annum. The salaries of each one of these three officials and of all clerks and stenographers and field men and other employees of the department shall be payable monthly from the state general fund. In addition to these salaries, each one of the aforesaid officers shall be paid actual and necessary expenses while engaged in the performance of his official duties outside the state capital.

The persons now appointed, qualified and acting as register of state lands, deputy register of state lands, and as state land agent shall respectively serve as commissioner of state lands and investments, as assistant commissioner of state lands and investments, and as chief field agent during the terms for which they have been appointed as register of state lands, as deputy register of state lands, and as state land agent.

All balances of appropriations made for the office of register of state lands and for the office of the state land agent for the fiscal year ending June 30th, 1927, and all appropriations for these two offices for the two ensuing fiscal years terminating June 30th, 1929, shall be deemed appropriations for the office of the commissioner of state lands and the chief field agent and shall be available for the use of such offices and officers.

The salaries and compensations of all the other officers, agents and employees of the department shall be fixed by the State Board of Examiners and paid from the state general fund, but if such board fails to fix the same, then the commissioner may determine the amount of their compensation. No employee of the department of state lands and investments who is paid a fixed compensation shall receive pay for any extra services rendered by him unless expressly authorized by law.

PART THREE.

Selection, Classification, Appraisal and Exchange of Lands.

Selection.

Section 15. **Selection.** Under the general direction of the State Board of Land Commissioners and as rapidly as the appropriations for the work will permit, the com-

missioner shall with all reasonable diligence cause to be selected and located all lands, except timber lands, which have heretofore been granted or which may hereafter be granted to this State by the United States for any purpose whatsoever, and not located by the grant itself. He shall also with all due diligence cause to be selected and located lands in lieu of all those lands in Sections Sixteen and Thirty-Six and in the other Federal Land Grants which for any reason whatsoever have been lost to the State; he shall cause to be performed without any unnecessary delay on his part all work necessary for the completion of these selections so that the State may actually receive all the lands under its various grants. All selections and lieu selections shall as far as possible be in legal subdivisions. In the selection and location of these lands, careful attention shall be given to the water available and which may be appropriated for such lands for domestic use, livestock and irrigation.

Section 16. **Classification.** The lands of the State of Montana shall be classified according to the provisions of the Constitution as follows: Classification.

Class 1. Grazing lands, being all those lands which are valuable only for grazing purposes.

Class 2. Timber lands, being all those lands which are principally valuable for the timber that is on them.

Class 3. Agricultural lands.

Class 4. Lands within the limits of any town or city or within three miles of such limits.

The third class, agricultural lands, shall be subdivided into two classes as follows:

(a) Irrigable lands.

(b) Non-irrigable lands.

The fourth class shall be subdivided as follows:

(a) Lands within the limits of any town or city.

(b) Lands not within such limits but within three miles thereof.

The classification shall be so made as to place each forty-acre tract or lot in the class to which it properly belongs.

Reclassification. Whenever lands formerly non-irrigable have become irrigable, and whenever new towns or cities are located and platted, and in all other cases when the board deems it necessary, the lands affected shall be reclassified so that no state land will be sold under a different classification from that to which it actually belongs.

Records. All field books, plats, maps and records of the department shall show the class to which each tract therein belongs, and they shall also show whether it belongs to the public schools of the State or to what state institutions or other entity it belongs according to the grant or instrument by which title to such land has passed to the State of Montana; they shall also show whether or not the coal or other minerals in the land are reserved by the United States, and shall contain such further information as the commissioner may deem necessary.

Appraisal. Section 17. **Appraisal.** All lands of the State shall be appraised at their true and full value as nearly as the same can be ascertained. In determining and fixing such value temporary inflations or depressions in land prices or fluctuations in the economic and financial conditions of the State shall not be taken into account. The average annual value of the crop or crops that the land is capable of producing through a long series of years shall be the main basis for such valuation; but consideration shall also be given to every other known element that has a permanent bearing on the value.

Placing of values. In all appraisals hereafter made there shall be one and only one kind of value placed on each tract of land at the same time, and this value shall be used as the basis both for the rental and the sale of such land, subject to all constitutional limitations.

Average value. The completed appraisal of state lands for any one county shall show the average appraised value of each class of land in such county, and shall contain such additional information as the board may from time to time direct.

When reappraised. No reappraisal of state lands, except of town lots, shall hereafter be made before such average appraised values in the county to be appraised have been available and considered by the board and the necessity for such reappraisal determined by it, provided, however, that the board shall have the power to correct errors and

adjust inequalities in appraisements when it has been shown to the satisfaction of the board that such errors or inequalities actually exist; and provided, further, that the board may cause mortgaged land to be re-appraised without re-appraising other state lands in the county or counties in which they are located. The board itself shall have the power to raise or lower the appraised value of any class of state land in any county on a percentage basis, uniform for the entire county, whenever it is deemed necessary to make such change in order to make the appraisal value represent the true and full value.

Mortgage land.

Section 18. **Board to Prescribe Further Rules for Appraisal.** The board shall prescribe such further rules and regulations for the appraisal of state lands as it may deem necessary, not inconsistent with the provisions of this Act or the State Constitution.

Rules.

Section 19. **Exchange of State Lands.** The state board of land commissioners of the State of Montana is hereby authorized and empowered to enter into contracts or agreements with the United States, or any department thereof having jurisdiction, for the waiving and relinquishment to the United States of any and all rights of the State of Montana in and to Sections 16 and 36 of any township and to any other sections of state lands when such sections are situated within or adjoining a federal forest reserve, or within or adjoining other federal land reservations, provided that the State of Montana shall in lieu of the rights so waived and relinquished receive from the United States other lands of an equal area and not inferior in value. The lands so obtained by the State of Montana from the Federal Government in exchange for lands to which the State has waived and relinquished its rights shall preferably be forest lands, it being the main purpose of these provisions to enable both the United States and the State of Montana to consolidate its forest holdings; but if desirable forest land cannot be obtained for such state lands, then other lands may be selected.

Exchange of lands.

All contracts and agreements heretofore entered into between the State Board of Land Commissioners and the United States, or any department thereof, waiving and relinquishing the rights of the State of Montana to Sections 16 and 36 in any township in this State, and

Contracts.

the selection of lands in lieu of those so relinquished by the State are hereby ratified, confirmed and validated.

PART FOUR.

Leasing of Agricultural Lands, Grazing Lands and Town, City and Other Lots.

Leases.

Section 20. Leasing of Agricultural and Grazing Lands and Town and City Lots. Under the general direction and control of the board, the Commissioners shall lease all agricultural and grazing lands and all town and city lots open to leasing upon proper application and the payment of rental as hereinafter more specifically provided. In all cases where there is only one qualified person offering to lease any one tract of land, the lease shall be issued at the minimum rental as determined under the provisions of this Act, but if there are two or more persons desiring to lease the same tract, then the lease shall be issued to the highest bidder, subject, however, to the preference right of a former lessee as provided in this Act. All agricultural, grazing and town lot leases shall be subject to the condition that the Board may in its discretion, offer said land for sale at any of the regular public sales of State lands held in the county where the land is situated, upon the same terms, and in the same manner as land not under lease.

Renewal
of leases.
Cancellation.

Section 21. Renewal of Leases. Cancellation Before Expiration. A lessee who has paid all rentals due from him to the State and not violated the terms of his lease shall be entitled to have his lease renewed at any time within thirty (30) days prior to its expiration for an additional period of not exceeding five (5) years.

Arbitrators
to fix values.

Section 22. Arbitrators to Fix Value of Improvements. Appeal. If the owner of any improvements on State lands desires to sell such improvements to the new lessee and they are unable to agree on the value thereof, such value shall be ascertained and fixed by three (3) arbitrators, one of which shall be appointed by the owner of the improvements, one by the new Lessee and the third by the two (2) arbitrators so appointed. The reasonable compensation that such arbitrators may charge shall be paid in equal shares by the owner of the improvements and the new lessee. The value of such improvements so ascertained and fixed shall be binding

on both parties; provided, however, that if either party is dissatisfied with the valuation so fixed, he may within ten (10) days appeal from their decision to the commissioner who shall thereupon cause the chief field agent or assistant field agent to examine such improvements and whose decision shall be final. The commissioner shall charge and collect the actual cost of such re-examination to the owner and the new lessee in such proportion as in his judgment justice may demand. The value of such improvements shall be ascertained and fixed as hereinafter and in this Act provided.

Appeal.

Section 23. Who May Lease, How Much, and for What Length of Time.

No person shall be qualified to lease State lands, except one who is the head of a family, unless he or she has attained the age of twenty-one (21) years; no person or company shall be entitled to hold under lease more than one (1) section of land at any one time, and no lease to agricultural or grazing lands or town or city lots shall be for a longer period of time than five (5) years; provided, however, that any qualified lessee may lease and hold any quantity of lands acquired by the State through the foreclosure of mortgages or acquired otherwise in connection with a mortgage to the State.

Who may lease.

Amount.

Period.

Section 24. Lease Expiration Dates. All leases for agricultural lands, grazing lands and town and city lots hereafter issued no matter on what date issued, shall expire on February 28 within five (5) years from the date on which the lease becomes effective.

Expiration dates.

Section 25. Rental. How Determined. The minimum annual rental for agricultural purposes shall be five per centum (5%) of the appraised valuation of such lands but in no case less than fifty cents (50c) per acre. The maximum annual grazing rental for State land shall not exceed One Hundred Dollars (\$100.00) per section, except where the leasing price is increased above this sum by competitive bidding. For the purpose of determining the rental price of grazing lands they shall be classified as follows:

Rental.

How determined.

Class 1. Extra good grazing land Seventy Dollars (\$70.00) to One Hundred Dollars (\$100.00).

Classifications.

Class 2. Good grazing land, well sodded with grass Sixty Dollars (\$60.00).

Class 3. Fair grazing land, with medium grass Fifty Dollars (\$50.00).

Class 4. Poor grazing land, thinly grassed Forty Dollars (\$40.00).

Provided further that until the lands in any county have been appraised under the provisions of this Act, the minimum annual rentals for grazing lands in such county shall remain six and one-fourth per centum ($6\frac{1}{4}\%$) of the so-called grazing valuation thereof according to the long established usage of the State Land Office.

Rentals
for fractional
years.

Rentals for fractional years, terminating on February 28 next following the date of issue, on agricultural and grazing lands shall be computed and collected as follows:

Leases beginning in:	Agricultural rental Percentage of full year's rental	Grazing rental, Percentage of full year's rental
March	100%	100%
April	100%	100%
May	90%	90%
June	80%	80%
July	70%	70%
August	50%	50%
September	50% of grazing rental for both agricultural and grazing leases.	
October	40% of grazing rental for both agricultural and grazing leases.	
November	30% of grazing rental for both agricultural and grazing leases.	
December	20% of grazing rental for both agricultural and grazing leases.	
January	10% of grazing rental for both agricultural and grazing leases.	
February	5% of grazing rental for both agricultural and grazing leases.	

Agricultural rentals shall apply and be charged and collected when the land is leased for or used for the raising of grain of any description, potatoes, beets or other cultivated crops, or for raising and harvesting alfalfa, clover, timothy or other grasses, or for other crops gathered or harvested from the land except that the grazing rates only shall be charged for summer fallowed land. Grazing rentals shall apply when the lands are used exclusively for pasture or grazing.

Agricultural
rentals when
collected.

The minimum annual rental for town, city and other lots shall be five per centum (5%) of the appraised value thereof, calculated at the same rate per month for all seasons of the year. The appraisal of mortgage lands for purposes of fixing grazing rates shall not constitute an appraisal for purposes of sale.

Section 26. Rental, When Due. The rental for the first year of the lease and the fee of Two Dollars and fifty cents (\$2.50) for issuing the lease shall be paid at or before the time of the execution of the lease; provided, however, that in the case of all leases which take effect on and after October 1 and before the expiration of the coming February, both the rental for the fractional year and for the next full year beginning March 1, shall be paid and collected at the time of issuing the lease. The rental for each succeeding year on leases hereafter issued shall become due and payable to the Commissioner of State Lands and Investments on December 15 next preceding the rental year to which the rental applies and if not paid on or before February 1 next following, this non-payment shall have the effect of cancelling the lease from and after February 28 of that year. The Commissioner shall notify the lessee by letter addressed to the postoffice address given in the lease of such cancellation, and the land shall then be open for lease to other applicants.

Rental fees.

When due.

Section 27. Land to Be Leased in Compact Bodies. All lands are to be leased in as compact bodies as possible and care shall be taken not to separate parts of any section from the section lines or public highways or from any available water supply, or in such form as to make it more difficult to lease the remaining State lands in the section in which they are located. In case there are applications or bids for renting certain land for

How leased.

Compact bodies.

grazing purposes and also applications or bids for renting the same land for agricultural purposes, an agricultural lease shall be issued; that bid or application shall be accepted which will bring the largest revenue to the State.

Change in
terms.

Section 28. Change in Terms of Lease. Whenever any land is leased for grazing purposes, and the lessee desires to cultivate any part of the land, he shall before doing any such cultivation, make application to the Commissioner stating how much land he desires to cultivate, showing the location in the section of such land, send his lease to the Commissioner to have the necessary changes made therein, and shall pay to the Commissioner one (1) year's agricultural rental for the land to be cultivated, which agricultural rental shall be additional to the grazing rental for such land, and shall be paid annually when the rentals become due for each remaining year of the lease, whether the lessee continues to cultivate such part or not, it being the intention of this provision to protect the interests of the State and to induce lessees to have the leases originally issued for the usage intended to be made of the land. In case any person shall cultivate lands leased for grazing purposes, without having first secured the right to do so in the manner herein provided, he shall be liable for twice the regular agricultural rental on the land so cultivated in addition to the grazing rental thereof. The provisions of this section shall be incorporated in every lease.

Form of
lease.

Section 29. Form of Lease. Bond. The general form of lease to State lands shall be prescribed by the State Board of Land Commissioners and no changes in the form for such leases shall be made without the approval of the said Board. All leases shall be issued in duplicate, one (1) copy shall be mailed to the lessee, and one (1) copy shall be preserved by the Commissioner and entered in a suitable book provided for that purpose. Unless the Board decides otherwise, these leases shall be issued without bonds; but the Board shall have the right to require a bond and to prescribe the form and conditions thereof whenever it deems it necessary.

Bond.

Rentals by
shares.

Section 30. Share Rent. The Board may whenever it deems it advisable, and under such regulations as it may prescribe, authorize the leasing of agricultural lands for a share of the crops delivered at the grain elevator

or market, which share shall not be less than what is commonly paid by lessees of privately owned lands as share rent in the locality where the State land is situated; and in no case shall such share rental be less than one-fifth (1-5) of the entire crop raised, delivered at the elevator.

Section 31. **Liens on Crops and Improvements.** The State shall have a lien upon all crops growing upon any of its lands, and also upon such crops after they have been separated from the lands for any and all rentals and penalties due or delinquent under the lease on such lands, or becoming due during the calendar year in which such crops are harvested, for any year or part of year that the land has been held or used by the lessee; such lien shall also apply to all buildings, structures, fences and all other improvements, shall be prior and superior to all other liens, excepting threshermen's liens and seed liens as specified in Sections 8355 and 8366 of the Revised Codes of Montana, 1921 which shall have priority as specified in Chapter 116 of the Session Laws of 1925, and is hereby expressly reserved. Any person purchasing or otherwise acquiring any of such crops or improvements takes the same subject to such lien. Any agent or representative of the department, or the sheriff of the county in which the land is located, or his deputy, may demand of the lessee, or his agent, payment of the amounts due the State, and if the same are not paid upon such demand, the officer, making such demand, or any person or representative of the department, may seize, sell and dispose of, either at private or public sale, upon giving notice for not less than three (3) days of such sale, sufficient of the said crops or improvements, or of both, to pay the amounts due the State together with costs and expenses of seizure and sale. These provisions relating to liens on crops and improvements shall be embodied in all leases for agricultural and grazing lands and for town, city or other lots.

Liens on
crops.

Improvements.

Section 32. **Leases May Be Assigned. Preference. Sub-Leasing. Actual Users to Be Given Preference.** Leases to State Lands may be assigned on blanks provided for that purpose by the Commissioner, but no such assignment shall be binding on the State unless the assignment is filed with the Commissioner, approved by him and payment made of the assignment fee of One

Assignments.

Preference.

Sub-leases.

Dollar (\$1.00). Preference shall always be given to the applicant who wants the land for his own individual use so that the full advantage coming from the leasing and use of such lands may reach those who actually till the soil, and so that they shall not be compelled to pay a higher rental than that due the State. If a lessee sub-leases State lands on terms less advantageous to the sub-lessee than the terms given by the State, his lease shall be subject to cancellation by the State Board of Land Commissioners after hearing, duly held on the facts involved.

Acquisition of
water rights.

Section 33. Acquisition of Water Right by Lessee. The lessee of State lands may at any time prior to one (1) year before the expiration of his lease make application to the Board for permission to secure a water right to the land under his lease. Such application shall be in writing, shall show how much of the land can be irrigated, the permanency of the water supply and the probable cost of placing the land under irrigation. If the proposed plan meets with the approval of the Board, permission shall be granted the lessee to secure the desired water right for the land and to place the same under irrigation. If such water right becomes a permanent and valuable improvement, then in case of the sale or lease of the lands to other parties, the former lessee shall be entitled to receive compensation in the amount of the reasonable value thereof, as in the case of other improvements, from the new lessee or the purchaser. These provisions shall not be so construed as to make the State liable to the lessee for the payment of the cost or value of such irrigation improvements.

Improvements.

Compensation

Section 34. Compensation for Improvements. A lessee of State lands shall have the right to place a reasonable amount of improvements upon the lands leased by him, which improvements may consist of fences, cultivation and improvement of the land itself, irrigation ditches, houses, sheds, wells and reservoirs, and similar improvements. Whenever another person becomes the lessee of such lands, he shall pay to the former lessee the reasonable value of such improvements at the time the new lessee takes possession thereof. Provided, however, that if any of the improvements consists of breaking (meaning the original plowing of the land), and one (1) years crops has been raised on the land after the breaking thereof, the compensation for such breaking

shall not exceed the sum of Two Dollars and fifty cents (\$2.50) per acre, and that in case two (2) or more crops have been raised on the land after the breaking thereof, then in such case the breaking shall not be considered as an improvement to the land. In case the former lessee and the new lessee are unable to agree on the reasonable value of such improvements, then such value shall be ascertained and fixed as provided in this Act.

In determining the value of these improvements consideration shall be given not only to the original cost but also to the present condition thereof and to their suitability for the uses ordinarily made of the lands on which they are located, and also to the general state of cultivation of the land, its productive capacity as effected by former use and also to its condition with reference to noxious weeds whether it is infested with such weeds or free from these pests. Consideration shall be given to all actual improvements and to all known effects that the use and occupancy of the land have had upon its productive capacity and desirableness for the new lessee. The former lessee may, however, remove or dispose of the movable improvements on the land to other parties than the lessee; but if he fails to remove such improvements from the land within sixty (60) days from the date of the expiration of his lease, then all of such improvements shall become the property of the State unless the Commissioner for good cause shown shall grant additional time for the removal thereof.

Valuation of improvements.

Before a lease is issued to the new lessee he shall show that he has paid the former lessee the value of the improvements as agreed upon by them or as fixed and determined under the provisions of Section 22 of this Act or that he has offered to pay the value of such improvements as so fixed and determined or that the former lessee elects to remove the improvements.

Section 35. Preference Right of Former Lessee. The holder of a lease to State lands, who has paid his rentals when due and has not in any way violated the provisions of his lease, shall at the expiration of such lease have the preference right to lease the lands covered by his former lease to the extent that he may take the lease at the highest bid made by any other applicant.

Former lessee preference right.

Leases how
cancelled.

Section 36. **Cancellation of Leases.** The Board shall have the power and authority in its discretion to cancel a lease for any of the following causes: For fraud or misrepresentation, or for concealment of facts relating to its issue, which if known would have prevented its issue in the form or to the party issued; for using the land for other purposes than those authorized by the lease, and for any other cause which in the judgment of the Board makes the cancellation of the lease necessary in order to do justice to all parties concerned and to protect the interests of the State. Such cancellation shall not entitle the lessee to any refundment of rentals paid or exemption from the payment of any rentals, penalties or other compensation due the State.

Regulations
for leasing.

Section 37. **Leasing Regulations.** The State Board of Land Commissioners shall have the power, and it is hereby made its duty, to formulate and prescribe such additional rules and regulations relating to the leasing of State lands, not inconsistent with the provisions of this Act, as it may from time to time deem necessary in order that the use and proceeds of these lands may contribute in the highest attainable measure to the purposes for which they have been granted to the State of Montana.

PART FIVE.—A.

Coal Mining Leases and Permits.

Coal mining
leases.

Section 38. **Coal Mining Leases.** The State Board of Land Commissioners is hereby authorized and empowered to lease in such manner as it may deem for the best interests of the State any state lands to which the title has vested in the State and in which the coal or coal rights are not reserved by the United States for exploring for, mining, removing, selling and disposing of the coal therein upon the terms and conditions herein stated, and subject to such rules and regulations as the board may prescribe. This power and authority to lease State lands for coal mining purposes shall extend to and include all lands owned by the State no matter in what manner acquired and shall also extend to and include all those State lands which have been sold but in which the coal rights have been reserved by the State of Montana, whether such lands are under certificate of purchase or patents have been issued; but in such cases and in all cases where the lands are under lease for grazing, agriculture or similar purposes, care shall be taken in

issuing the coal mining lease to protect the rights of the purchaser or lessee.

All such coal leases shall be subject to the condition that the coal must be mined, handled and marketed in such manner as to prevent as far as possible all waste of coal and shall also be subject to the condition that the mining operations shall be carried on in such systematic and orderly manner as not to make subsequent mining operations more difficult or expensive. Violations of these conditions shall constitute grounds for the forfeiture of the lease, after hearing had thereon before the State Board of Land Commissioners.

Section 39. Not More Than One Section May Be Leased to One Person. Term. Fee. No person, co-partnership, company or corporation shall be entitled to lease more than one (1) section of land for coal mining purposes, and no lease shall be issued for a longer term than five (5) years, but the Board may establish such rules and regulations for the renewal of a lease at the expiration of the term as it may deem proper and necessary. The Board shall prescribe the form of the lease; the fee for issuing the lease and approving the bond hereinafter provided shall be Two Dollars and fifty cents (\$2.50) payable to the Commissioner.

Section 40. Royalty. The compensation of the State under all coal mining leases shall be upon a royalty basis and shall be fixed and determined by the Board. The amount of such royalty shall be based upon the kind, grade and character of the coal in each particular mine, upon the size, shape and nature of the coal vein, strata or body, and upon the shipping and marketing facilities for the product. Consideration shall also be given to every other known factor effecting the value of each particular coal mining lease; but in no case shall the royalty for the coal mined be less than twelve and one-half (12½) cents per ton of Two Thousand (2,000) pounds.

Section 41. Application; Deposit. The application for a coal mining lease shall be in writing, shall state the quantity of coal that it is proposed to mine under such lease during the first year thereof and during each subsequent year as nearly as the applicant can estimate such quantity and shall contain such further information as the Board may require. If the Board grants the application, it shall fix the royalty per ton and shall de-

Deposit.

mand from the applicant a deposit of not less than the amount of the royalty on the estimated average production for one (1) month of the lease and it may at its discretion ask for such larger deposit as it may under the circumstances deem necessary in order to protect the interests of the State; but this deposit shall in no case be less than Fifty Dollars (\$50.00).

This deposit shall be credited to the lease and held intact to the end of the first year. If all the royalties for such year have been paid and are equal to or exceed such deposit then the deposit shall be held intact for the credit of the lessee for the subsequent year or years; but if the royalties accrued and paid during the first year or any subsequent year amount to less than the amount of such deposit, then the difference between the amount of the royalties paid and the deposit shall be deducted therefrom and charged as rent or royalty for the lease for that year so that the annual rental will never be less than the amount of the cash deposit determined upon by the Board and in no case less than Fifty Dollars (\$50.00) per annum. At the beginning of the second year or any subsequent year of the lease, the lessee shall make such additional deposit as will bring the unused portion of his deposit up to the original amount as fixed by the Board.

Bond.

Section 42. **Bond.** The Board shall also demand a surety company bond in such form and amount as it may determine conditioned for the payment of all royalties due the State and for the carrying on of the mining operations according to the terms of the lease; but a lessee may in lieu of furnishing a surety company bond increase the cash deposit hereinbefore provided for to such an amount as will in the judgment of the Board make the furnishing of a bond unnecessary.

Improvements
of former
lessee.

Section 43. **Improvements of Former Lessee.** Whenever a coal mining lease is applied for on land where mining operations have been carried on by a former lessee and there are surface or underground improvements on the land used at such former operations, disposition shall be made of such improvements satisfactory to the Board before a new lease is issued. If the owner of such improvement desires to sell the same to the new lessee, then the new lessee shall pay him the reasonable value thereof as far as they are suitable for the new mining operations. If they fail to agree, on the value of

such improvements, then such value shall be ascertained and fixed as provided in Section 22 of this Act.

Before a new lease is issued, the applicant shall show to the satisfaction of the Board that he has paid the owner for the improvements as agreed on between them, or as fixed by the aforesaid officers, or officer, or that he has tendered payment as so fixed, or that the owner desires to remove his improvements.

New lessee to pay improvements.

Section 44. Board May Prescribe Additional Rules and Regulations. The Board shall have the power and authority to prescribe such additional rules and regulations and to do and perform all acts and things not inconsistent with the Enabling Act, the constitution and the statutes of this State as it may deem necessary and proper relating to the leasing of State land for coal mining purposes.

Additional rules.

Section 45. Report and Payment of Royalty. On or before the 15th day of each calendar month the lessee shall make a report to the commissioner in such form as may be prescribed by him, showing the number of tons mined during the preceding calendar month, the price obtained therefor at the mine, the total amount of all sales and containing such additional information as may be required by the commissioner, which report shall be verified by the oath of the lessee and be accompanied by payment of the royalty due the State for such preceding month as shown by the report.

Report.

Payment of royalty.

Section 46. Coal Mining Permits for Private Use and for Schools. The Board may in its discretion grant to any resident of this State a permit for a term of not more than one (1) year to mine coal for the use of himself and his family from any coal deposit belonging to the State of Montana and not under lease upon payment to the State of the flat sum of Five Dollars (\$5.00) as a royalty for any amount of coal mined by him not exceeding thirty (30) tons of two thousand (2,000) pounds.

Coal mining permits.

Private use.

The Board may also grant a similar one (1) year permit to the Board of Trustees of any school district in this State, provided that if such school district requires more than thirty (30) tons of coal per annum then any additional amount required shall be paid for in advance at the rate of twelve and one-half (12½) cents per ton. Applications for such permits shall be accompanied by an affidavit to the effect that the coal is not wanted

Schools.

for sale or disposal to other parties but that it is wanted for the use of the applicant and his family or for the use of the school district as the case may be.

The granting of such permits shall not prevent the Board from issuing the usual coal mining leases on the land from which the coal under such permit is to be taken. In cases of this kind the permittee shall remove the quantity of coal to which he is entitled as expeditiously as possible and his rights under the permit shall then automatically cease upon the issue of the lease.

Disposition of funds.

Section 47. Disposition of Royalties and Other Receipts. All fees, royalties, bonuses and penalties collected under coal mining leases shall be credited by the Commissioner to the same funds that such receipts under oil and gas leases on such lands would be credited under the provisions of this Act; and in the case of coal mining leases, rentals, and bonuses, if any shall be considered as royalties.

PART FIVE.—B.

Prospecting Permits and Mining Leases.

Prospecting permits.

Section 48. Board May Grant Prospecting Permits. The State Board of Land Commissioners is hereby authorized and empowered in its discretion to issue permits granting the exclusive right to prospect and explore for ores, metals, precious stones and other valuable minerals, except for coal, oil and gas, on any State lands to which the title has been vested and safely secured in the State. This right shall extend to and include all these lands which have been sold but in which such minerals have been reserved by the State of Montana, whether the lands are under certificate of purchase or patents have been issued; provided, however, that in all cases where the lands have been sold with mineral reservations and also in all cases where the lands are under lease for grazing, agriculture or for other purposes, care shall be taken in issuing such prospecting permits to protect the rights of the purchaser or lessee. Wherever deemed necessary a bond may be required for such amount as the Board may fix and determine conditioned for the safeguarding of the rights of such purchaser or lessee and the rights of the State.

Mining leases.

Terms.

Section 49. Term of Permit; Fees, Penalties; Regulations. These permits shall be issued for such length of time as the Board may determine in each individual

case not exceeding five (5) years; shall describe the land on which the prospecting is permitted, not exceeding one (1) section, prescribe the minimum amount of prospecting and exploration work to be performed each year and fix the penalties to be paid the State for failure to perform such work, both as fixed and determined by the Board. The minimum annual prospecting fee shall be Ten Dollars (\$10.00) per section, or part thereof, payable annually in advance. This permit shall not authorize the permittee to remove any of the ores, metals, precious stones or other minerals from the land except for the purpose of testing or assaying the same.

Fees.

Section 50. **Mining Lease.** If the prospector discovers ore, metals, precious stones, or other valuable mineral deposits in the lands under his permit and submits satisfactory proof to the Board to this effect he shall have the preference right to a mining lease to such land or the ores, metals, precious stones, and other minerals discovered therein on such terms and conditions as the Board may prescribe; provided, however, that all such leases shall be on a royalty basis and that the royalty shall not be less than five per centum (5%) of the value of the ores, metals, precious stones or other valuable minerals at the mouth of the mine.

Mining leases.

Section 51. **Disposition of Royalties, Fees and Penalties.** All such royalties, fees and penalties shall be credited to the various funds to which they properly belong in the same manner as now provided in this Act for the crediting of oil and gas royalties.

Disposition of funds.

PART FIVE.—C.

Leases and Permits for Limestone, Oil Shale, Clay, Stone, Gravel and Sand.

Section 52. **The Board May Issue Leases.** Whenever there are found upon State lands to which the title is vested in the State and which lands have not been sold by the State under certificate of purchase or otherwise, deposits of stone, limestone, oil shale, clay, gravel, or sand valuable for building, mining or other commercial purposes, the State Board of Land Commissioners may in its discretion issue to private persons permits or leases for the removal and disposition of such stone, gravel or sand upon such terms and conditions as the Board may determine; provided, however, that all such leases shall be upon a royalty basis calculated upon the number

Issuance of leases.

For what.

of cubic yards removed from the land, and the rates shall be the same that ordinarily would be charged by private owners under similar circumstances, and the fee for issuing the lease shall be the same as for an oil and gas lease. No such lease shall be made for a longer term than five (5) years, and the Board may demand a cash deposit to guarantee the payment of the royalties or demand a surety bond or both such cash deposit and bond as the Board may determine.

Disposition of funds.

Section 53. Disposition of Royalties and Other Receipts. The royalties, fees and penalties received under such leases shall be credited to the various funds to which they properly belong in the same manner as now provided in this Act for the crediting of these receipts under oil and gas leases.

Other purposes for leases.

Section 54. Land May Be Leased for Other Purposes. Such portions of the section or other subdivision of the land on which such deposits are located as are not needed for the quarrying or digging and removal of the stone, limestone, oil shale, clay, sand or gravel may be leased for grazing or agricultural purposes the same as other State lands, and in the case that grazing or agricultural leases are issued they shall provide for a right of way across the land for the removal of the stone, limestone, oil shale, clay, gravel, sand or other deposits, but the rights of the lessee shall also be duly protected.

Gravel and sand permits for public use.

Section 55. Stone, Gravel and Sand Permits for Public Use. The State Board of Land Commissioners is hereby authorized and empowered in its discretion to issue permits upon such terms and conditions as it may determine, not inconsistent with any constitutional or statutory provision relating to State lands to the State Highway Commission, to the Board of County Commissioners of the several counties of the State and to the governing boards or bodies of cities or towns and of other political subdivisions of the State granting them the right to take, remove and use stone, gravel or sand from any State lands that have not been sold under certificate of purchase or otherwise for the construction, maintenance and improvement of public roads, highways, bridges, streets or alleys. The rights of lessees to the lands on which such stone, gravel or sand may be located shall be properly safeguarded under the terms of the permits.

PART SIX.

Granting of Easements for Public Purposes.

Section 56. **Conveyances and Easements to the United States.** Any land now or hereafter owned by the State of Montana, and needed by the United States in its irrigation and reclamation work, shall upon application made therefor to the State Board of Land Commissioners be conveyed to the United States at the minimum price of Ten Dollars (\$10.00) per acre; and there is hereby granted to the United States over all the lands now owned or hereafter acquired by the State of Montana, an easement for a right of way for ditches, canals, tunnels, telephone and telegraph lines, now constructed, or to be constructed by the United States government, in furtherance of the reclamation of arid lands. All conveyances of State lands shall contain a reservation of such right of way easements. It is further provided that whenever said lands herein granted as a right of way shall cease to be used for such purposes, the same shall revert to the State upon notice to that effect being given to the proper authorities.

Conveyances
and easements
to United
States.

Section 57. **Easements for School Sites and Grounds and Other Public Uses.** The State Board of Land Commissioners is hereby authorized and empowered to grant easements in State lands for school house sites and grounds, for public parks, community buildings, cemeteries and other public uses upon proper applications accompanied by accurate and duly verified plats from the lawfully constituted authorities having charge of such properties. All such sites, grounds or tracts of land shall be rectangular or square in form unless natural obstacles in the land render such form impractical and shall whenever feasible be located at section corners or at a corner of that portion of the section which is owned by the State, and no easement of this character shall cover more than ten (10) acres of land, the acreage to be computed up to the center of the section line. Whenever the site so granted is located at a section corner or at a corner of the part of the land in the section owned by the State, the charge or compensation for the easement in the land shall be not less than twenty-five per centum (25%) above the appraised value of the land; whenever the site is located on a section line but not at a corner the charge or compensation shall be not less than fifty per cent (50%) above the appraised value of the land.

School sites
and public uses.

Charges.

Whenever the site is not located on the section line or lines as aforesaid, the charge or compensation to be paid to the State shall be determined by the Board after examination of the land by the chief field agent or one of his assistants and report made by him. The Board shall cause deeds to be issued for all such easements that it may grant.

Public
highways and
streets.

Section 58. Right of Way for Public Highways and Streets on State Land Section Lines. There is hereby granted to the people of the State of Montana an easement for right of ways for public highways and streets along section lines on all lands now owned by the State or which may hereafter become the property of the State for all public highways and streets of which the center lines follow the section lines bounding such State lands to the extent of one-half the width of such highways or streets, on either side of the section line, or on both sides of the section line, depending upon whether there is State land on one side of the section line only, as is usually the case, or on both sides, which half shall not exceed thirty (30) feet. This easement for such right of ways for public highways and streets shall take effect when the proceedings for the laying out, opening and establishment of such public highways or streets have been completed according to law by the Board of County Commissioners of the county where such public highways or streets are located or by the Board, council or governing body of the city or town within the corporate limits of which such public highways or streets are located; but it shall not be necessary to make the State Board of Land Commissioners or the State of Montana a party to the proceedings for the laying out, opening and establishment of such public highways or streets along section lines bounding State lands. Whenever any such highway or street shall cease to be used as such, this easement shall automatically terminate and the State lands in which it has been granted shall automatically revert to the State.

Notice.

The Board of County Commissioners or the governing body of the city or town, as the case may be, shall notify the Commissioner of State Lands whenever the proceedings for the laying out, opening and establishment of such highway or street have been completed and also when such highway or street has ceased to be used as such, and shall in both cases give an accurate and com-

plete description of the public highway or street so established or closed on state land section lines.

Section 59. Right of Way Easement Applies to Past Proceedings. This grant of easements for public highways and streets of which the center lines follow the section lines bounding State lands shall also extend and apply to all such highways and streets now laid out, opened and established by the proper authorities whether or not the State Board of Land Commissioners has been made a party to the proceedings or not, and irrespective of whether or not the right of way easements have been granted by the Board, if the lands still belong to the State of Montana.

Existing high -
ways and
streets.

Section 60. Right of Way Easements on Section Lines on State Lands Under Certificate of Purchase. In the case of right of ways for such highways or streets of which the center lines follow the section lines of state lands which have been sold under certificate of purchase but for which patents have not been issued, the owners of the certificates of purchase shall be made parties to the proceedings for the laying out of the highways or streets the same way as the owners of land in fee simple and such holders of certificate of purchase shall have the right to grant such right of way to the full extent of their interest in the land effected; but the State Board of Land Commissioners need not be made a party to the proceedings.

Certificates
of purchase.

Section 61. Easements for Right of Ways Outside State Land Section Lines. Rights of Purchasers. The right of way for public highways on state lands must always follow the section lines when physically practicable. The State Board of Land Commissioners shall be the judge of whether or not it is necessary to deviate from the section lines, and the Board is hereby authorized and empowered to grant easements for right of ways for highways and streets outside the state land section lines through proceedings as follows:

Rights of
ways outside
state land
lines.

Application must be made by the Board of County Commissioners, or by the council or governing board or body of the city or town having jurisdiction, which application shall describe the proposed right of way according to the survey, show the necessity for the proposed highway or street and give such additional information as the Board may require. This application shall be accompanied by two exact copies of the official plat of

Applications
how made.

the proposed highway or street duly verified by the affidavit of the County Surveyor or County or City Engineer, or other engineer having prepared the same, endorsed thereon. These plats shall show the quantity of land taken by the proposed highway or street from each forty-acre tract or government lot of state land over or through which it passes and also the amount of land remaining in each portion of such forty-acre tract or government lot. When deemed necessary by the Board, the aforesaid plats shall show all these facts for such smaller subdivisions as the circumstances may render desirable for the state.

Upon the filing of such application and plats, the Commissioner of State Lands and Investments shall whenever he deems it necessary cause the proposed right of way to be viewed and examined by the Chief Field Agent or some Assistant Field Agent who shall report his findings to the Board. The Board shall thereupon consider the application and report and take such action as it deems proper, including the fixing of compensation and damages to be paid to the state. The compensation so fixed shall be the full market value of the estate or interest disposed of through the granting of such right of way easement, and the damages shall be the actual damages resulting to the remaining land as nearly as the same can be ascertained. If the right of way is granted according to the plat, then such plat shall become the official plat thereof, and one copy shall be retained in the office of the Commissioner and the other copy shall be returned to the County, City or Town from which it was received. The Board shall cause right of way deeds to be issued for all such easements that it may hereafter grant upon full payment therefor being made.

If the state land over or through which such right of way outside of section lines is applied for, is under certificate of purchase or under sales contract, the purchaser, or his assignee, must be made a party to the proceedings, and his consent in writing to the laying out and establishment of the proposed highway and to the amount of compensation and damages to be paid must be filed with the Board before such right of way shall be granted. The Board shall be the judge of how much of such compensation and damages shall be paid to the state and applied on the certificate of purchase or sales contract and of how much thereof, if any, shall be paid

Board is
judge of
compensation.

to the purchaser, as the circumstances in each individual case may warrant. The provisions of this paragraph shall apply to all grants of right of ways on state lands outside of section lines. The interest and equity of such purchaser or his assignee shall be subject to proceedings in eminent domain.

Section 62. Right of Way Easements for Railroads and Other Purposes. The State Board of Land Commissioners may grant an easement for right of way across or upon any portion of state lands for any ditch, reservoir, railroad, private road, telegraph or telephone line, or for any other public use, as defined in the Code of Civil Procedure; provided, that this section shall not be construed to grant authority to convey any such land, except for the purposes above set forth; and provided further, that whenever lands granted for any of the purposes mentioned in this section shall cease to be used for such purposes, said easement shall forthwith terminate upon notice to that effect to the person to whom such grant was made, served at his last known post office address. The Board shall charge and cause to be collected the full market value of the estate or interest disposed of through the granting of any such easement and also fix, charge and cause to be collected the amount of the actual damages resulting to the remaining land or lands from the granting of such easement as nearly as the same can be ascertained.

Railroads and
other purposes.

Section 63. Settlement With Lessees. Whenever any kind of a right of way easement has been granted under this act and the state land in which it is granted is under lease, the Board of County Commissioners, or other authority or corporation or person laying out the right of way shall give due and timely notice to the lessee and shall make just settlement with him for any damages resulting to his improvements or crops or leasehold interests. Upon such settlement being made, the lessee shall open or move any fences that may obstruct the right of way over the lands under his lease and otherwise cooperate in the opening of the right of way. Proof shall be filed with the Board that such settlement has been made before the deed to the easement is issued.

Settlement
with lessees.

PART SEVEN.

Sale of State Lands.

Section 64. Certain State Lands Not Subject to Sale. Lands classified as timber lands shall not be subject to

Sale of lands.

Exemptions.

sale, but timber thereon may be sold and disposed of in the manner provided by law. Lands which in the judgment of the Board are likely to contain valuable deposits of coal, oil, oil shale, gas, phosphate, metals, sodium and, or other valuable mineral deposits, shall not be subject to sale, either the surface land or any of such deposits therein; provided, however, that this shall not be so construed as to prohibit the sale of lands containing sand, gravel, building stone, brick clay or similar materials.

Mineral
Reservations.

Section 65. **Mineral Reservations in State Lands.** All coal, oil, oil shale, gas, phosphate, sodium and other mineral deposits, except sand, gravel, building stone and brick clay, in lands belonging to the State of Montana, or which may hereafter become the property of the state, which have not already been reserved by the United States, are hereby reserved to the state. All such deposits are reserved from sale except upon a rental and royalty basis as provided in this act. In the case of lands sold after this act takes effect, a purchaser of any lands belonging to the state or which may hereafter become the property of the state shall acquire no right, title, or interest in or to any of such deposits, except that where the oil and gas have not been reserved by the United States the purchaser of mortgage lands shall be entitled to receive a royalty of one per centum (1%) of all gas or oil produced from such mortgage lands, such royalty to be payable directly to him by the lessee either in gas or oil or in cash as the purchaser may desire and determine; provided, however, that the purchaser of the mortgage land shall not have any right to lease such land or any part thereof for oil and gas exploration or production; the state shall have the sole power to lease the land for all mineral purposes. The state also reserves for itself and its lessees the right to enter upon such lands to prospect for, develop, mine and remove such deposits and to occupy and use so much of the surface of the said lands as may be required for all purposes reasonably extending to the exploring for, mining and removal of such deposits therefrom, but the lessee shall make just payment to the purchaser for all damage done by reason of such entry upon the land and the use and occupancy of the surface thereof.

Reservations
in mortgaged
lands.

These mineral reservations shall not apply to lands that the state has acquired through the foreclosure of mortgages or otherwise acquired in connection with mortgages given to it when the mortgagor or anyone

claiming under him exercises his right to re-purchase such lands within the statutory period of one year and ninety days from the time that the state so acquired title. In cases of this kind all rights shall go with the land that passed with the land from the mortgagor to the state; but in case that such lands are not so repurchased, then the same shall be subject to these mineral reservations the same as other state lands.

Section 66. Certain Shore Lands not Subject to Sale.

There is also reserved from sale from all state lands bordering on navigable lakes or bordering on such non-navigable meandered lakes as the Board may deem valuable for summer resorts and from all state lands bordering on navigable streams a strip of land which shall include all the land lying between low-water mark and high-water mark and which in addition shall extend in width landward from the line of high-water mark of such lake or stream the full width of the forty (40) acre tract or government lot abutting the line of high-water mark; provided, however, that if the width of such abutting government lot at its narrowest point is less than one hundred (100) feet, then the strip hereby reserved shall extend to and include the next adjoining forty (40) acre tract or government lot. The land reserved from sale by this section shall be subject to the granting of easements the same as other state lands.

Exemption of
certain shore
lands.

The State Board of Land Commissioners may in its discretion cause any part of the lands bordering on such lakes and on navigable streams which are hereby reserved from sale to be surveyed and platted into blocks and lots, the lots to be not less than one hundred and twenty-five feet (125) in width, the width to be measured in the general direction of the abutting water front; but in all such surveys and plats the aforesaid strip of one hundred (100) feet in width along the water front shall be reserved for the use and enjoyment of the public.

Reservations
for lots and
blocks.

Such strips of land bordering on meandering lakes or on navigable streams, except the strip lying between low-water and high-water mark, whether surveyed and platted into blocks and lots or not, may, however, be leased as provided in this act for the leasing of other state lands.

Section 67. Certain Lands to Be Platted Before Sale.
Any part of state lands adjacent to cities or towns and

Platted lands
for sale.

other state lands which in the opinion of the Board may be wanted for residence or business lots shall before sale, at such time as the Board may deem to be for the best interests of the state, be surveyed and laid off in blocks, lots, streets, alleys, avenues, highways, public squares, market places and parks, in conformity with the laws of the state for the survey and platting of townsites and additions thereto, conforming as nearly as may be with the ordinances of such city or town regarding the platting of additions thereto; and the State Board of Land Commissioners must cause correct maps and plats of such lands to be made and recorded when so surveyed and not otherwise. No fee shall be charged by the County Recorder, or by any city officer, for filing or recording such maps or plats, when recorded on behalf of the state.

Appraisals.

Before the lands so surveyed and laid off are offered for sale the same shall be appraised, a separate appraisal to be placed on each lot. Such surveyed and platted land may then be sold in the same manner and upon the same terms and conditions as other state lands are sold.

Discretion of board.

Section 68. Surveying and Platting Left to Discretion of Board. It shall be entirely optional with the Board whether or not state lands, or any part thereof, shall be surveyed, platted and laid off into blocks and lots as hereinabove provided, as may appear to be for the best interests of the state. All lands of the fourth class as defined by Section 1, Article 17, of the constitution shall, however, be subdivided into lots or tracts of not more than five (5) acres each before being offered for sale and the lots must then be sold alternately as provided by Section 2, Article 17, of the constitution, at regular sales of state lands.

Recording of plats.

When such tracts of five (5) acres each or less have been sold, the Board shall whenever deemed necessary cause the plat thereof to be filed for record with the County Clerk and Recorder of the County in which the land is situated, but if the same purchaser bids in two or more adjoining lots or tracts, all the lots so purchased shall at the option of the purchaser be included in one certificate of purchase.

Federal irrigation districts.

Section 69. Lands Within Federal Irrigation Projects. Whenever state lands are located within the boundaries of federal irrigation projects, the land shall be sold in conformity with the classification of farm units as made by the United States, and all certificates of purchase

issued for such lands shall show that the lands are located within a federal irrigation project and are or will be liable for their proper share of the reclamation charges.

Section 70. Board to Decide When to Hold Sales and What Lands to Sell. The State Board of Land Commissioners is hereby vested with the power and authority to decide when sales of state lands are to be held and what state lands are to be offered for sale, subject to the limitations of this act, as the best interests of the state may appear to require; provided, however, that as a general rule no sale of state lands shall be held unless applications have been made for the purchase of lands within one (1) county by prospective purchasers representing at least twelve (12) families.

Time of sales
and designation
left to board.

Section 71. Who May Purchase and How Much. State lands shall be sold only to citizens of the United States or to persons who have declared their intentions to become citizens, or to corporations organized under the laws of this state. No person shall be qualified to purchase state land who has not reached the age of twenty-one (21) years. As far as possible to determine the lands shall be sold only to actual settlers or to persons who will improve the same, and not to persons who are likely to hold such lands for speculative purposes intending to resell the same at a higher price without having added anything to their value. No person or corporation shall be entitled to purchase more than one section of state land, and this area shall not include more than one hundred and sixty (160) acres of land susceptible of irrigation. These limitations as to area and irrigableness shall not apply to lands acquired by the state in connection with the foreclosure of its mortgages.

Who may
purchase.

How much.

Section 72. Sale at Public Auction. Where Held. All sales of state lands shall be only at public auction held at the County Court house of the county in which the lands are located; provided, however, that in case no suitable room can be found in such court house at the time for holding the sale, then the sale may be transferred to a more convenient place within a reasonable distance of such court house by public announcement made at the court house at the time fixed for beginning the sale; and provided further that the procedure for the sale of the so-called "mortgage lands" acquired by the state through the foreclosure of mortgages, or ob-

Sale by auction.

Where held.

tained otherwise in connection with such mortgages, shall be subject to the modifications hereinafter provided.

Notice of sale.

Section 73. Notice of Sale. The commissioner shall cause notice of every such sale to be given by publication in the official county paper of the county where the sale is to be held once each week through four consecutive weeks next preceding the date of sale. Such notice, shall give the day, date and time of day of the beginning of the sale; shall contain a list of all the tracts to be offered for sale showing the township and range in which they are located, describing the same with reference to section number and subdivision of the section, or with reference to block and lot if surveyed, the number of acres in unplatted lands and the appraised value per acre and also the appraised value of each lot. As a general rule non-irrigable farming lands shall be listed in quarter sections; grazing lands may be listed in larger tracts not exceeding one (1) section. These limitations need not apply to mortgage lands.

For the convenience of the bidders, the commissioner may assign the tracts advertised a consecutive series of sales numbers and show the sales number of each tract in the notice of sale.

The notice shall also give the terms and conditions of sale, and such additional information as the commissioner may deem useful.

Mortgaged
lands included.

Section 74. Mortgage Lands to Be Included. Whenever a sale of state lands is held in any county of the state, all the mortgage lands owned by the state in such county shall be offered for sale at the appraised value and included in the notice of sale herein provided for, whether such mortgage lands have been previously advertised for sale or not, unless the board for good reasons shall direct that such lands shall not be included in the sale.

Sales how
conducted.

Section 75. Sales, How Conducted, Proceeds. At the time fixed for the sale, the lands shall be offered for sale at auction in the order they appear in the notice of sale under the personal direction of the commissioner or the assistant commissioner, one of whom shall be present at the sale, and sold to the highest qualified bidder; provided, however, that no lands shall be sold for less than the appraised value and in no case, except mortgage lands, for less than ten dollars (\$10.00) per acre; pro-

vided, further, that in case the land is offered for sale at public auction, the old lessee need not make a higher bid than others, but shall if bidding an equal amount be given the preference. The lands shall be sold as nearly as practicable according to the subdivisions in which they are advertised, and care shall be taken not to subdivide any tract in such a way as to separate remaining portions from a water supply or from section lines or public highways. The sale may be adjourned from day to day until all the lands advertised have been offered for sale.

If any successful bidder at such sale refuses or neglects to make the initial payment required to be made on the land purchased by him, he shall forfeit to the state not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1000.00) to be determined by the State Board of Land Commissioners according to the circumstances of the case. If such forfeiture is not paid when notice of the amount of the forfeiture has been served by the commissioner, the attorney general shall institute a suit for the recovery thereof in the name of the State of Montana.

Forfeiture.

The proceeds from the lands sold, including all subsequent payments on the principal, shall be credited to the permanent fund arising from the grant to which it belongs and shall become and forever remain an inseparable and inviolable part thereof. All payments on interest shall be credited to the proper income fund and shall be available for use as provided by law.

Proceeds.

Section 76. Board May Prescribe Additional Rules and Regulations. The State Board of Land Commissioners may prescribe such additional rules and regulations for the conduct of these sales as in its judgment the interests of the state may demand.

Additional rules.

Section 77. Mortgage Lands May Be Sold on Advertising for Sealed Bids. Mortgage lands may also be advertised and sold at other than the regular sales of state lands at county seats whenever the board so orders, and in all such cases the sale shall be at the office of the commissioner by means of sealed bids. Before mortgage lands can be so sold, notice of the sale containing substantially the same information as the notice for the sale of other state lands, must be given by publication once each week for three (3) successive weeks in the official county paper of the county where the land is located.

Sealed bids.

Advertising.

Sealed bids shall then be received by the commissioner up to a certain date not less than twenty-one (21) days and not more than thirty (30) days from the date of the first publication of the notice of sale, and this date must be given in the notice. On such date the bids shall be opened and the highest bid accepted if it is for not less than the appraised value and is accompanied by the required initial payment and fees.

Private sale
of mortgaged
lands.

Section 78. Mortgage Lands May Be Sold at Private Sale. After mortgage lands have once been advertised for sale either at the office of the commissioner or at a sale of state lands at the county seat of the county where they are located, and the same have not been sold, they may be sold by the commissioner at private sale at any time within two (2) years from the date fixed for the sale under the previous notice to any qualified person who will pay the appraised price as advertised and make the required initial payment.

Terms of
payment.

Section 79. Terms of Payment. Every purchaser of state land of any class whatsoever shall pay in cash on the day of sale such portion of the purchase price as he may desire but in no case less than ten per centum (10%) of the total sales price, and in case the balance on the purchase price is not an exact multiple of twenty-five dollars (\$25.00), then he shall pay such additional sum as is necessary to reduce the balance to an even multiple of twenty-five dollars (\$25.00); he shall also in all cases pay the sum of five dollars (\$5.00) as a fee for each certificate of purchase to be issued to him.

Interest on
deferred
payments.

The balance of the purchase price shall draw interest at the rate of five per centum (5%) per annum, payable annually, and the balance of the purchase price itself shall be payable through a period of thirty-three (33) years on the amortization plan, which is hereby defined as being that plan under which part of the principal is required to be paid each time interest becomes due and payable, and under which this part payment on the principal increases at each succeeding installment in the same amount that the interest payment decreases so that the combined amount due on principal and interest on each due date remains the same until the loan or bond is paid in full; provided, however, that the amount of the last installment may vary from the other installments to the extent resulting from disregarding fractional cents in the previous installments; provided, however, that the

balance of the purchase price on town and city lots shall be payable on the amortization plan through a period of twenty (20) years; and provided further that the board may at any time fix a shorter period than twenty (20) years for the payment of such balance on town and city lots, and different periods of time may be established for different towns and cities as the best interests of the state may appear to demand.

Section 80. Conversion of Certain Other Certificates to Amortization Certificates. Any certificate of purchase of state lands issued prior to February 13, 1923, and now in effect may be converted into an amortization certificate on the plan set forth in this act and running for a period of thirty-three (33) years from the date of conversion in the case of agricultural and grazing lands, and for a period of twenty (20) years in the case of town and city lots, upon application of the owner of such certificate, if the state board of land commissioners deems the issuance of such new amortization certificate safe and advantageous to the state. The said board may in its discretion allow to be included in the principal of the new certificate a portion of the delinquent installments of principal and interest if any on the old certificate, but there shall be charged and paid penalty interest on all such delinquent installments at the rate of six per centum (6%) per annum from the time they severally became due to the date of conversion; and the total amount due under the old certificate shall be reduced by payment to some multiple of twenty-five dollars (\$25.00) before the issuance of the new certificate; provided, however, that all such converted certificates shall give the state the same lien upon crops and improvements on the land under the certificate as is provided in this act in the case of new certificates of purchase hereafter issued. The giving of such lien to the state in the new certificate shall be an absolute condition for the issuance of the new certificate.

Conversion to
amortization
certificates.

Section 81. Lien on Improvements and Crops for Principal, Interest, Penalty Interest and Taxes. The state shall have a lien prior and superior to all other liens, excepting threshermen's liens and seed liens as specified in Sections 8355 and 8366 of the Revised Codes of Montana, 1921, which shall have priority as specified in Chapter 116 of the Session Laws of 1925, upon all buildings, structures, fences and all other improvements upon the lands so sold and also upon all crops growing upon any

Liens for
payments.

of these lands, and also upon such crops after they have been separated from the lands, for all due and delinquent installments of principal and interest and penalty interest and taxes under the certificate of purchase and also for all installments becoming due during the calendar year in which the crop is harvested, and such lien is hereby expressly reserved. Any person purchasing or otherwise acquiring such improvements or crops or any part thereof, takes the same subject to such lien. Any agent or representative of the department or sheriff of the county in which the land is located, or his deputy may demand of the purchaser or his agent payment of the amounts due the state and if the same are not paid upon such demand, the officer making such demand, or any representative of the department, may forthwith seize such improvements and crops and upon giving three days' notice, sell and dispose of, either at private or public sale, sufficient of the said crops or improvements or of both to pay the amounts due the state together with cost and expenses of seizure and sale.

Approval or
disapproval of
sales.

Section 82. **Approval or Disapproval of Sales.** All sales of state lands, and all sales of timber on state lands, shall be subject to the approval and confirmation by the state board of land commissioners, and no sale shall be deemed completed until after such approval and confirmation. The board shall have the power and it shall be its duty to disapprove any sale which in its opinion would be disadvantageous to the state.

Settlement of
improvements.

Section 83. **Settlement for Improvements.** Whenever any state land has been sold on which there are improvements belonging to a lessee, and some other person than such lessee becomes the purchaser he shall be required to make settlement with such lessee for all improvements on the land belonging to the lessee before the issuing of the certificate of purchase. All provisions of this act relating to the payment and settlement for improvements on state lands between a former lessee and a new lessee shall apply to the settlement between a lessee and the purchaser.

Time of
possession.

Section 84. **Time of Possession.** In the case of lands under lease the purchaser shall be given possession by the state on March first next succeeding the date of sale and not before unless the lease expires prior to that date, except through special agreement between the purchaser and the lessee.

Section 85. **Certificate of Purchase.** Upon the approval of the sale and receipt of satisfactory evidence of settlement with the former lessee, if any; for improvements on the land, the commissioner shall execute and mail to the purchaser a certificate of purchase signed by the governor as president of the state board of land commissioners and by the commissioner as secretary of the board and attested by the seal of the state board of land commissioners. Such certificate of purchase shall contain the date of sale, the name and post office address of the purchaser, a description of the land, the total purchase price, the amount paid on the day of sale, the balance unpaid and shall also show the amount and due date of each installment of principal and interest to the time of maturity. The certificate shall reserve the easements for right of ways granted by the statutes in favor of the United States and other easements that may have been granted by the board and shall contain the reservations in favor of the state provided for in this act relating to coal, oil and mineral rights in the land.

Certificate of purchase.

The certificate shall also contain information in regard to the lien of the state on crops and improvements on the land for installments of principal and interest and taxes; and it shall contain such additional conditions, agreements, and information as the board may deem necessary in order to carry out the intent of this act.

Section 86. **Time From Which Balance on Purchase Price Draws Interest.** The balance of the purchase price shall draw interest from the date on which the sale was confirmed and approved by the state board of land commissioners, and all installments on principal and interest shall become due and payable on that date in each succeeding year until payment has been made in full.

Interest on deferred payments.

Section 87. **Payments of Installments.** The commissioner shall not be required to accept fractional payments of the installments on certificate of purchase, on account of the complications arising from the division of payments. The purchaser may make payment of one or more installments before the same become due but unless such payments are made at least six (6) months before the installments become due, no reduction shall be made in the interest payments. In case installments on principal and interest are paid more than six (6) months prior to the due date, then the interest from the date of such payment shall be figures upon the balance of the prin-

Installment payments.

principal unpaid after such advance payment has been made up to the date on which it comes due. If for any reason any instalment is not paid when due, then the total of such instalment, including payment on the principal and payment on interest, shall draw penalty interest at the rate of six per centum (6%) per annum from the date due until the date actually paid. Payment may be made in full at any time before maturity by paying the balance on the principal and interest accrued up to the date of such payment.

Default in
payment.

Cancellation of
certificates.

Section 88. Default in Payment of Purchase Price. Cancellation of Certificate. Whenever any purchaser of state land hereafter sold, or the assignee, shall default for a period of thirty (30) days or more in the payment of any of the installments due on his certificate of purchase, the certificate shall be subject to cancellation and the board shall cause to be mailed to him at his last known post office address a notice of default and pending cancellation which notice shall give him sixty (60) additional days from the date of mailing such notice in which to make payment of the delinquent installment or installments with penalty interest. If he fails to make such payment within that period the certificate of purchase shall from that date and without further notice be null and void, the duplicate of the certificate in the office of the commissioner shall be cancelled and the land under the certificate shall revert to the state and such land together with all buildings, fences and other improvements thereon shall become the property of the state to the same extent as other state lands and shall be open to lease and sale.

Repurchase of
cancelled cer-
tificate land.

Section 89. Re-Purchase of Land Upon Which Certificate Has Been Cancelled. In all cases where a certificate of purchase heretofore issued has been cancelled as provided by Section 88 of this Act upon written application to re-purchase said lands made by the original purchaser, his heirs, assigns, or devises to the State Board of Land Commissioners filed within one (1) year and ninety (90) days from the date of cancellation of said certificate of purchase by the State accompanied by a payment of ten per centum (10%) of the total amount then due the state which total amount shall include the amount remaining unpaid to the state at the time said certificate was cancelled and penalty interest at the rate of six per centum (6%) upon all delinquent installments from the

date due until the date of re-purchase and any taxes which may have been paid by the state on said lands or which may be delinquent at the time said application to re-purchase is made the State Board of Land Commissioners shall enter into a contract with such original purchaser, his heirs, assigns, or devisees, for the sale of said lands, by which the balance of said sum shall be paid on the amortization plan during a period not exceeding thirty-five (35) years from the date of the execution of the contract as defined by this Act. Payment may be made in full at any time before maturity.

Such application shall take precedence over any application to purchase said lands by any person other than said original purchaser, his heirs, assigns, or devisees; provided, however, that the Board shall have in its discretion the power to convey by deed and take a mortgage to cover the balance due on said purchase price in lieu of the sale under contract above provided. This reinstatement shall not have the effect of cancelling any lease that the state may have issued on the land, but the reinstated purchaser shall be entitled to the rents under the lease from the date of such reinstatement, and he may make any arrangements satisfactory to himself and the lessee for the use and possession of the land before the date of lease expiration.

Precedence in application.

Section 90. Certificates May Be Assigned. Certificates of purchase may be assigned to a citizen of the United States or to a person who has declared his intention to become such citizen or to a corporation organized under the laws of the State of Montana. Such assignments shall be made on forms to be prescribed by the commissioner, shall be duly acknowledged as other conveyances of real estate, and shall be executed in duplicate, one (1) copy to be filed and retained in the office of the commissioner and one (1) copy to be retained by the assignee. A person shall not be qualified to receive such assignment if the lands he has already purchased from the state together with the lands included in the assignment exceed one (1) section; the assignee must in all respects possess the same qualifications as an original purchaser.

Assignment of certificate.

Section 91. Lost Certificate. Whenever any certificate of purchase to state lands has been lost or is wrongfully withheld by any person from the owner thereof the rightful owner may make application to the state board

Lost certificates.

of land commissioners for issuing of a lieu certificate. This application shall be accompanied by an affidavit from the owner of the certificate setting forth the facts in regard to the loss or unlawful withholding of the certificate and by a certificate from the county clerk and recorder of the county in which the land is located showing all instruments of record in his office affecting the title to the land under the certificate. The Board shall thereupon cause a lieu certificate of purchase to be issued to the applicant if in the judgment of the board the facts warrant the issue thereof.

Land subject
to taxation.

Section 92. Land Subject to Taxation. The interest of the purchaser in state lands shall be subject to taxation to the full extent of such interest. The assessor shall assess the purchaser for such percentage of the full and true value of the land as the initial payment on the land and all installments of principal due on the certificate of purchase prior to the first Monday of March of the year for which the land is assessed is of the full purchase price of the land. Provided that the holder of certificate of purchase to lands within irrigation districts shall be liable for the entire tax levied against the land held thereunder on account of such irrigation district.

Taxation of
improvements.

The improvements on the land shall be assessed and taxed as other improvements on farm lands.

Assessor's
list.

On or before the fifteenth (15th) day of March of each year, the commissioner shall furnish the county assessor of each county with a complete list of all state lands sold in his county during the year ending on the first Monday of March of such year. This list shall show the name and address of the purchaser, give the legal description of the land, the acreage contained therein, the total purchase price, the amount paid thereon, and the balance unpaid. It shall also contain tables, or other information, which will enable the assessor to calculate what portion of the full value of the land will be subject to taxation for each succeeding year of the certificate.

Irrigation
district
petitions.

Section 93. Purchaser of State Lands May Sign Petitions Relating to Irrigation Districts. Interest Purchaser Subject to Lien. A purchaser of state lands is hereby authorized and empowered to sign any petition that he may desire to sign for the creation of an irrigation district and

the inclusion of the land purchased from the state in such irrigation district and any other petition relating to irrigation districts affecting the land so purchased by him from the state. Such petition or petitions shall have the effect of making all the interest that he then has in such land purchased from the state and all interest which he may subsequently acquire therein subject to the same liens and charges as privately-owned lands under such irrigation district; but if for any reason his certificate to such state lands and his rights thereunder are forfeited and cancelled, no lien or charge of any kind shall then attach to the land.

Interest
subject to
lien.

The interest of a purchaser of state lands in the land purchased shall be subject to the same liens as other real estate; provided, however, that in the case of sale only the interest of the purchaser or of the assignee shall be sold. In the case of any sale under the provisions of this section, including the sale for taxes, the purchaser shall succeed to all the rights of the purchaser from the state under the certificate of purchase and a new certificate of purchase shall be issued to the person entitled thereto, upon satisfactory proof being submitted to the board; provided, however, that in the case of sale under execution or decree of court such new certificate of purchase shall not be issued by the board until the period of redemption from such sale has expired and the sheriff's deed has been issued. In the case of sale for taxes, the new certificate shall not be issued until the tax deed has been issued.

Proviso in
case of sale.

Section 94. **If Lands Revert.** In case any lands sold under the provisions of this act shall revert to the state, for any cause whatsoever, the commissioner of state lands shall notify the assessor and the county treasurer of the county in which the land is situated, and upon the receipt of such notice it shall be the duty of the assessor to cancel any assessment of said land for that year, and of the county treasurer to cancel all taxes remaining unpaid against the land for that and all previous years.

Reverted lands.

Section 95. **Patents.** When the purchase price has been paid in full together with interest according to the certificate, the owner thereof shall be entitled to receive a patent for the land under such certificate.

Patents.

Patents how
executed.

Contents.

Section 96. **Patents, How Executed.** The governor, and in the case of his absence or inability, the lieutenant governor shall be and is hereby authorized to execute deed or patent of conveyance transferring without covenants any and all lands sold by the state board of land commissioners under the laws of this state when full payment has been made therefor. Such deed or patent shall contain the reservation of easements for right of ways to the United States, reservation of all minerals in the land as provided in this act, and all other reservations to which the particular land conveyed may be subject. In case the land is located within the boundaries of a federal irrigation project, the patent shall contain a lien clause substantially in the following form: "The land hereby conveyed is located within the boundaries of a federal irrigation project and is subject to all liens which the United States may have thereon by reason of its being located under such irrigation project." Such deed or patent shall be attested by the secretary of state, countersigned by the commissioner and have the great seal of the state and the seal of the state board of land commissioners thereto attached, but need not be acknowledged. A certified copy of the record of any such deed or patent shall be received in evidence in all courts of record of this state the same as the original.

This section shall not be so construed, however, as to require any reservation in a patent which was not an express or implied reservation in the certificate of purchase pursuant to which the patent is issued; the statutes in effect when such certificate of purchase was issued must govern.

Patent
cancellation
limitation.

Section 97. **Limitation for Cancellation of Patent.** No action shall be brought to vacate or cancel any patent issued by the state after the expiration of two (2) years from the date of such patent, except upon the ground of fraud.

PART EIGHT.

Investments.

A.

General Provisions Concerning Investments.

Investment of
funds.

Section 98. **Investment of Permanent Funds.** All moneys belonging to the public school permanent fund and to the other permanent funds of the educational, charitable and penal institutions of the state, and all

permanent funds subject to the administration of the board under Article XXI of the state constitution shall be safely invested by the state board of land commissioners in bonds of school districts within the State of Montana; in bonds of the several counties and cities of the State of Montana; in bonds of the State of Montana or of the United States; in capitol building bonds of the State of Montana, now issued or which may hereafter be issued; in bonds issued by the federal land banks, in interest-bearing warrants upon the general fund of the state and in interest-bearing warrants upon the general fund, the poor fund, the road fund, or upon the bridge fund of the several counties of the State of Montana, and in interest-bearing school district warrants, and in first mortgages on improved and crop-producing farm lands in this state free from all prior liens and incumbrances; all of such investments to be subject to the regulations and limitations of this act.

Section 99. **Certain Securities to Be Payable on the Amortization Plan.** All bonds issued in this state in which such investments are hereafter made must be issued and payable on the amortization plan; provided, however, that in case there are not sufficient amortization bonds and amortization mortgages available to keep the aforesaid permanent funds invested, then the funds may be invested in other forms of bonds lawfully issued by the State of Montana or any of its political subdivisions; but this provision shall not be so construed as to allow the investment of any of these funds in irrigation district bonds or in any form of improvement district bonds. In negotiating for the purchase of bonds the board shall use its influence towards having the installments of principal and interest become payable semi-annually in June and December of each year as far as practicable and consistent with other statutes.

Amortization
plan.

Section 100. **Conversion of Other Forms of Bonds Into Amortization Bonds.** All bonds in which such permanent funds of the state are now invested or in which they hereafter may be invested, whether such bonds are due or not, may be converted into amortization bonds payable through a period of not exceeding twenty (20) years upon resolution duly passed by the board or officers of the political subdivision of the state through which such bonds were originally issued, if the state board of land commissioners deems such change to amortization bonds

Conversion of
bonds into
amortization
bonds.

to be safe and advantageous to the state and authorizes such change. The interest on such converted bonds shall be such as the state board of land commissioners may fix and determine in each individual case but shall not be less than the rate of interest on the bonds to be converted and shall in no case exceed six per centum (6%) per annum.

County and
school district
warrants.

Section 101. Purchase of County Warrants or School District Warrants. It shall be entirely optional with the board whether or not any portion of the aforesaid permanent funds shall at any time be invested in county warrants or school district warrants, as the circumstances in each individual case may appear to justify. In case of the investment in such warrants, such warrants must be purchased at face value without payment for accrued interest directly from the county issuing the same in amounts of not less than five hundred dollars (\$500.00) for each purchase; must be issued in the ordinary and regular course of business, and must be registered and drawing interest at the rate provided by law.

Income funds
how invested.

Section 102. Investment of Income Funds. Moneys in the public school income fund and in other income funds for which there is no immediate demand, may be invested in state general fund warrants and in county warrants upon the general fund, the poor fund, the road fund, or school district warrants, subject to the limitations prescribed in the preceding section; provided, however, that they shall not be invested in such warrants, unless such warrants will be payable at such time as to make the income available when the funds are to be paid out for the purposes for which they are intended.

Attorney
General to
approve
securities.

Section 103. Approval of Securities. The Board shall not invest in any bonds unless a complete transcript of the proceedings for their issue has been submitted to the Attorney General and his opinion rendered in writing finding that the bonds are lawfully issued and a valid indebtedness of the state, county, city or school district issuing the same.

How securities
are paid.

Section 104. Securities How Paid. Whenever the State Board of Land Commissioners has purchased any bonds, county warrants, or school district warrants, the Commissioner shall upon the final approval and receipt thereof, deliver such securities to the State Treasurer, and shall at the same time write an order to the State

Auditor authorizing and directing him to issue his warrant or warrants upon the State Treasurer, payable to the State Treasurer, for the amount invested by the state in such security or securities and for the amount of accrued interest if any. Both the order to the Auditor and the warrant or warrants issued by him to the Treasurer shall show the fund or funds from which payment is to be made, the name and address of the person to whom it is to be made and the purpose of the payment. Upon the receipt of the securities and the warrant or warrants from the Auditor the State Treasurer shall promptly issue his check or checks and mail to the person entitled thereto.

Section 105. Treasurer to Preserve Securities and Keep Records. The State Treasurer shall safely keep and preserve all such securities and shall keep an accurate and complete record thereof; he shall notify the proper official or persons of delinquent payments, and shall keep accurate and complete account of all payments made.

Preservation
and record of
securities.

PART EIGHT.

B.

Management and Disposition of State Farm Loans Made Before This Act Takes Effect.

Section 106. Conversion Into Amortization Mortgages. Whenever any state farm loan owned by the state when this act goes into effect becomes due or delinquent, the mortgagor or the assignee or vendee may make application to the State Board of Land Commissioners to have the loan converted into a thirty-three (33) year amortization loan and mortgage, as defined in this act, to draw interest at the rate of six per centum (6%) per annum and to be secured by a first mortgage on the land under the original mortgage and by additional lands if he has additional lands free from prior liens and incumbrances, the amortization mortgage to be in such form as the State Board of Land Commissioners may prescribe. The Board may in its discretion permit delinquent interest, penalty interest and also any sums of money that the state has advanced under the mortgage to be included in the principal of the new loan and mortgage, if the State Board deems the including of such delinquent interest and other payments made under the mortgage to be safe and advantageous to the state. Nothing herein contained shall be so construed as to make it obligatory

Conversion to
amortization
mortgages.

upon the Board to permit a loan to be so converted into an amortization loan and amortization mortgage. The Board shall at all times do what in its judgment appears to be for the best interest of the state and shall proceed to have the loan foreclosed if that appears to be the safest course to pursue. The provisions of this section shall also apply to non-delinquent mortgages as far as applicable.

Priority of
state lien
on crops.

Section 107. Lien on Crops on Mortgaged Lands. The state shall have a lien prior and superior to all other liens, excepting threshermen's liens and seed liens as specified in Sections 8355 and 8366 of the Revised Codes of Montana, 1921, which shall have priority as specified in Chapter 116 of the Session Laws of 1925, upon all crops growing on lands given it as security for any such amortization loan converted from another loan and also upon such crops after they have been separated from the land for any installment or installments of principal or interest due or delinquent on the loan together with penalty interest and also for all such installments becoming due during the calendar year in which such crops are harvested, and such lien is hereby expressly reserved. Any person purchasing or otherwise acquiring such crops, or any part thereof, takes the same subject to such lien.

Sale of crops.

Any officer, agent or person, empowered to represent the department is hereby authorized to seize such crops and upon giving three days' notice to sell, either at private or public sale, sufficient of the said crops to pay the amounts due and delinquent under the mortgage together with costs and expenses of sale. Every such amortization mortgage shall contain a reference to this lien on the crops.

Attorney
General to
foreclose.

Section 108. Attorney General to Take Charge of Delinquent Loans and Mortgages. Whenever any farm loan owned by the state when this act goes into effect becomes delinquent for more than one (1) year, and the mortgagor and his vendees fail to pay such loan and fail to have it converted into an amortization loan and mortgage, the Commissioner shall notify the Attorney General of the default in the conditions of the mortgage, and the Attorney General shall then take full charge of such mortgage, and of all such mortgages, and shall proceed to foreclose such mortgages in the name

of the state by action in the manner provided by law for the foreclosure of mortgages upon real estate. The Attorney General may, however, with the permission of the State Board of Land Commissioners, given in writing in each particular case, permit the mortgagor or his vendee to convey the land under the mortgage by quit claim deed or other conveyance in place of securing title through foreclosure proceedings, if the lands are free and clear of all other liens and encumbrances except liens for taxes.

Section 109. Sheriff's Deed May Be Taken by State; Deficiency Judgment. If at the foreclosure sale, no person bids the full amount due the state under the mortgage including all accrued interest on the loan, all taxes paid by the state under the mortgage and taxes unpaid on the land, if any, and any expenses incurred by the state under the mortgage together with interest on all these items, and the costs and expenses of the foreclosure sale, all as allowed by the court, then in such case the land may either be sold for whatever reasonable sum it will bring and a deficiency judgment taken against the mortgagor or mortgagors, or the state may bid in the land for what it is reasonably worth to the state and a deficiency judgment taken for the balance, as the best interests of the state may appear to demand.

Sheriff's deed
in state.

Deficiency.

Section 110. The Mortgagor and Parties Claiming Under Him May Repurchase Lands. Upon written application made to the State Board of Land Commissioners within one (1) year from the date of the sheriff's sale of the land to the state, or within one (1) year from the date of the quit claim deed or other conveyance to the state, by the original mortgagor or his heirs or assigns or other parties in interest of record, the State Board may permit such original mortgagor or other person as aforesaid to repurchase the land for the full amount of the judgment of the state together with interest thereon at the rate of six per centum (6%) per annum from the date of judgment to the date of repurchase, or in the case of quit claim deed or other conveyance, for the full amount of the claim of the state on the date thereof together with interest thereon at the rate of six per centum (6%) per annum up to the date of repurchase, upon the following terms and conditions, to-wit:

Mortgagor may
repurchase.

The person so repurchasing the property shall pay in cash ten per centum (10%) of the entire judgment of

Repurchase
how made.

the state against the land or of the claim of the state on the date of the quit claim deed or other conveyance together with interest thereon at the rate of six per centum (6%) per annum up to the date of such repurchase, and if such ten per centum (10%) does not leave a balance which is an even multiple of twenty-five dollars (\$25.00) then the purchaser shall pay such additional amount as will reduce the balance to an even multiple of twenty-five dollars (\$25.00); the balance of the repurchase sum shall draw interest at the rate of five per centum (5%) per annum payable annually and shall be payable on the amortization plan as defined in this act during a period of thirty-three (33) years. Such repurchase contract shall be in such form and shall contain such reservations and conditions as the State Board of Land Commissioners may prescribe not inconsistent with law and shall be subject to the same provisions with regard to liens on crops on the land under the contract as is provided in this act in the case of former mortgages converted into amortization mortgages.

County
commissioners
may release
certain liens.

Section 111. County Commissioners to Release Certain Liens. The Board of County Commissioners of the several counties of the state are hereby empowered and directed to release and satisfy of record any seed loan mortgage, drouth relief lien, or other similar instrument appearing on the county records as a second mortgage or lien against any lands on which the state holds a first mortgage whenever the Attorney General shall request such cloud on the state's title to be removed and cancelled.

County
Attorneys to
represent state.

Section 112. County Attorneys to Represent the State. When so requested by the Attorney General, the County Attorney of each county in the state shall represent the state in all foreclosure proceedings, collections of delinquent rentals, actions for trespass on state lands and in all other state land matter that may arise in his county. The County Attorneys shall not be entitled to charge the state any compensation for such services beyond their regular salaries.

PART NINE.

Miscellaneous Provisions.

Acceptance of
Federal land
grants.

Section 113. Acceptance of Federal Land Grants. The federal land grants made to the State of Montana through the so-called Enabling Act having already been accepted as a whole through the adoption of the State

Constitution and specifically by Subdivision 7 of Ordinance No. 1 thereof, the State Board of Land Commissioners is hereby authorized to accept any grant of lands from the United States to the State of Montana hereafter made in carrying out the provisions of the Enabling Act and also any other grant for any special purpose that may be made by the United States to the State of Montana. Any acceptance by the State Board of Land Commissioners on behalf of the State of Montana, that has taken place prior to this act, of lands granted by the United States to the State of Montana is hereby ratified, confirmed and approved.

Section 114. **Gifts, Donations, Grants, Legacies and Devises to the State.** The State Board of Land Commissioners is hereby authorized and empowered to accept on behalf of the state from any natural person gifts, donations, grants, legacies and devises having a value of not less than two hundred fifty dollars (\$250.00) from each person for any purpose authorized by Article XXI of the Constitution. All lands passing to the state under these provisions or through the operation of law, shall be managed as other state lands and the rents and earnings shall be applied in accordance with the object and purpose specified by the grantor, subject to all constitutional limitations. All money realized from the sale of such lands and from other property and all gifts, donations, grants, legacies, and devises made in money, or the equivalent of money, shall be administered by the Board for the benefit of the specific purposes designated by the person from whom they were received as provided by Article XXI of the Constitution and as further regulated by this act. The provisions of this section shall apply to gifts, donations, grants, legacies and devises already made to the state and now under the administration of the Board if not contrary to any specific provisions made therein by the persons from whom they were received.

Gifts, etc. to state.

Section 115. **Board Authorized to Correct Errors.** The State Board of Land Commissioners is hereby authorized, empowered and directed to cause to be corrected any and all errors, mistakes, and misdescriptions in any and all deeds and conveyances of property to the State of Montana; and in order to carry into effect the provisions hereof all deeds or such other conveyances as may be necessary shall be made and executed in the manner provided for the execution of patents by the state. The said

Correction of errors.

Board is also authorized and empowered to cause to be corrected any error or errors in leases, certificates of purchase, patents and other conveyances of property from the state upon satisfactory proof that an error or mistake has been made.

Refund of
money paid
by mistake.

Section 116. Money Paid by Mistake to Be Refunded.

If any money has been erroneously paid or shall hereafter be erroneously paid to the state on any permit, lease, certificate of purchase, patent or loan or in any other transaction, it shall be the duty of the State Board of Land Commissioners to cause such money erroneously paid to the state to be refunded to the person entitled thereto from the proper fund.

Who may
not buy.

Section 117. Who May Not Buy or Lease State Lands.

It shall be unlawful for any member of the State Board of Land Commissioners, or any person or persons appraising lands, or in the employ of the state for the selection, classification, appraisal, sale, or leasing of any state lands or the timber thereon, or of any person connected with the State Land Office as an officer or employee, to purchase or lease, directly or indirectly, any of the land of the state or any timber thereon.

Classification
of violations
under act.

Section 118. Violations of This Act Classified. Any officer, employee or representative of the State of Montana who directly or indirectly accepts any money or any other valuable thing, except his regular and lawful compensation, for performing or not performing an official act under the provisions of this act, or for modifying the performance thereof shall be guilty of a felony; any officer, employee or representative of the state who knowingly and wilfully makes any false classification or appraisal of any state land, or of any land offered the state for sale or offered as security for a loan from the state, or who falsely classifies or scales any timber on state lands or from state lands, or any timber in which the state is interested, or who knowingly and wilfully makes any false report of any such classification or appraisal or scaling shall be guilty of a felony; any officer, employee or representative of the state who otherwise violates any of the provisions of this act and such violation results in a loss to the state of one thousand dollars (\$1000.00), or more, shall be guilty of a felony; but if such violation results in a loss to the state of less than one thousand dollars (\$1000.00) or in no pecuniary loss, then he shall be guilty of a misdemeanor.

Section 119. **Punishments.** Any officer, employee or representative of the state who is found guilty of a felony as defined in the preceding section shall be punishable by imprisonment in the state penitentiary for not less than one (1), nor more than ten (10) years or with a fine which shall neither be less than five hundred dollars (\$500.00) nor less than twice the amount of the loss that resulted to the state through the crime of which he has been convicted, or by both such imprisonment and fine. Any officer, employee or representative of the state who is found guilty of a misdemeanor as defined in the preceding section shall be punishable by imprisonment in a county jail for not to exceed one (1) year or by a fine which shall neither be less than one hundred dollars (\$100.00) nor less than twice the amount of the loss that resulted to the state through the crime of which he has been convicted, or by both such imprisonment and fine.

Penalties.

Section 120. **Fees.** The Commissioner of State Lands and Investments is hereby authorized and empowered and it is hereby made his duty to charge and collect the following fees:

Fees.

Issuing Miner's prospecting permit—ten dollars (\$10.00) for each permit, or such greater fee as the Board may fix in each case.

Issuing any other permit—one dollar (\$1.00).

Issuing any lease with or without bond—two dollars and fifty cents (\$2.50).

Issuing any certificate of purchase or lien certificate or converted certificate or purchase contract—five dollars (\$5.00).

Approving and entering assignment of lease or certificate of purchase—one dollar (\$1.00).

Deed for right of way easement or other easement—five dollars (\$5.00).

Patent to any land sold—five dollars (\$5.00).

Certified copy of any of the instruments above enumerated, one-half the fee required for issuing the original instrument.

Making township plats showing the state lands therein and giving other information, such fee as the board may fix to be graduated according to the amount of work required.

Certified copy of any other instrument than those above enumerated or of the records of his office shall be furnished at the rate of twenty cents (.20) per folio of one hundred (100) words and one dollar (\$1.00) for the certificate.

The Board shall fix the fees to be charged and collected for specific services by the commissioner not enumerated in this section.

Section 121. Heading, Subtitles, and Captions No Part of the Act. The headings and subtitles of the various divisions and subdivisions of this act and the captions of the various sections shall not be regarded as any portion of the act itself; they are used simply for the purpose of conveying a general idea of the subject matter appearing thereunder.

Section 122. Findings of Unconstitutionality. Effect Of. If any subdivision, section or part of section of this act should be found to be unconstitutional by the Supreme Court of this State, such finding of unconstitutionality shall not affect the remainder of the act but such remainder shall remain in full force and effect and shall be carried out, and the State Board of Land Commissioners is hereby specifically charged with the duty of bridging over as far as possible any gap which might result in case any portion or portions of this act should be found unconstitutional by exercising the general grant of powers given to it by the Constitution of the State.

Saving clause.

Statutes repealed.

Section 123. Repeal. Section 207, Section 1805, Sections 1809 to 1829, both inclusive; Section 1840, Sections 1843 to 1871, both inclusive; Sections 1882 to Section 1911, both inclusive; Section 1918, all of these sections being of the Revised Codes of the State of Montana of 1921, and Section 4014 of the Revised Codes of Montana of 1921, as amended by Chapter 147 of the Laws of the Eighteenth Legislative Assembly; and Chapter 94 of the Laws of the Eighteenth Legislative Assembly; and Chapters 90, 134, 168 and 190 of the Nineteenth Legislative Assembly of the State of Montana, and all other acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Approved March 8, 1927.

CHAPTER 61.

An Act to Amend Section 5285 Revised Codes of Montana 1921, Relating to the Funding of Floating Indebtedness By Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5285 Revised Codes of Montana 1921 be, and the same is hereby amended so as to read as follows:

“**Section 5285. Funded Debt.** The council of any city or town having a floating indebtedness of Five Thousand Dollars (\$5,000.00), or more, may fund the indebtedness and issue bonds with coupons attached thereto, as hereinafter provided in this Chapter.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 62.

An Act to Regulate the Publication of Proposed Constitutional Amendments.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever a proposed constitutional amendment or amendments, are submitted to the people of the State for popular vote the Secretary of State shall cause the said proposed amendment or amendments to be published in full once a week in one newspaper in each County of the State if such there be, for three (3) months previous to the next general election for members to the Legislative Assembly. The cost of publication of said amendment, or amendments, shall be a proper charge against the State at the rate, as provided for in the statutes for State printing.

Term of
publication.

Such publication shall not be had in more than one paper in any one county of the State.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1927.

CHAPTER 63.

An Act to Amend Section 3338 of the Revised Codes of the State of Montana of 1921, Relative to Publication of Description of Estray Livestock Sold; Providing for the Disposition of the Proceeds Remaining in the State Treasury and Changing the Time of Publication of Description from Four Weeks to Two Weeks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3338 of the Revised Codes of the State of Montana of 1921 be, and the same is, hereby amended to read as follows:

Publication
description of
estrays.

"Section 3338. Publication of Description of Estrays Sold. Disposition of Proceeds Remaining in State Treasury. A full description of estrays for which the proceeds derived from the sale remains in the hands of the Treasurer unclaimed shall be published for the period of two consecutive weekly or semi-monthly issues next after May first of each year in not more than four weekly or semi-monthly publications in the State of Montana, said publications to be designated by the State Livestock Commission, and when such publication shall have been made and the proceeds from the sale of such animals shall have remained in the hands of the State Treasurer for a period of two years, it shall be, by the Treasurer, upon request of the State Livestock Commission, at once placed to the credit of the State Livestock Commission Fund."

Proceeds.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1927.

CHAPTER 64.

An Act to Amend Section 2067 of the Revised Codes of Montana of 1921, Relating to the Assessment and Taxation of State Banks, Banking Corporations and Private Bankers and of Shares of Stock in such State Banks or Banking Corporations and Providing for the Furnishing of Certain Information to County Officials by Bank Officials.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2067 of the Revised Codes of

Montana of 1921, be, and the same is hereby amended so as to read as follows:

“**Section 2067.** Every State bank or banking corporation located and doing business in this State, and every private banker doing business in this State, shall be taxable upon the value of all real estate and personal property owned by such bank, banking corporation or private banker, and also upon the moneyed capital employed in such business, such moneyed capital to be ascertained as provided by Section 1999 of the Revised Codes of Montana of 1921; and the cashier or secretary of every such bank or banking corporation, and every such private banker, shall furnish to the assessor of the county in which its or his bank is located, within five days after demand therefor, a statement verified by his oath, showing all the resources and liabilities of such bank as disclosed by its books, at twelve o’clock noon on the first Monday of March in each year; if such cashier, secretary or private banker shall fail to make the statement hereby required, the assessor shall forthwith obtain such information from any other available source, and for this purpose he shall have access to the books of such bank, banking corporation or private banker. The assessor shall thereupon make an assessment of the real estate and personal property owned by such bank, banking corporation or private banker, and of the moneyed capital employed in the business of such bank, banking corporation or private banker, which assessment shall be as fair and equitable as he may be able to make from the best information available, or said assessor may, for the purpose of said assessment, adopt the figures disclosed by any prior report made by such bank, banking corporation or private banker to any State or Federal officer pursuant to any State or Federal law. Any person required by this section to make the statement hereinabove provided, who shall fail to furnish the same, shall be guilty of a misdemeanor and shall be punished accordingly.

Taxation of banks and private bankers.

Verified Statement.

Assessor to assess in case of failure.

Penalty.

All shares of stock in any such bank or banking corporation shall be assessed at their full cash value, except to the extent that that value is represented in property which is assessable and taxable to such bank or banking corporation in this State, and shall be taxable to the owners of such shares in the county, school district, city, town, or place where such bank or banking corporation is located and not elsewhere, whether or not the owners of such shares are residents of such county, school district,

Shares of stock how assessed.

Names of
stockholders
furnished.

Penalty.

Bank liable
for taxes.

city, town or place. The cashier or secretary of any such bank or banking corporation shall furnish to the assessor, upon his demand therefor, the name of each stockholder with his residence and the number of shares belonging to him at twelve o'clock noon of the first Monday in March of each year; and if such cashier or secretary, for more than five days after such demand, shall fail to furnish such information, he shall be guilty of a misdemeanor and the assessor may obtain such information from any other available source, and for such purposes shall have access to the books of such bank or banking corporation. For convenience the assessment of such shares shall be entered on the personal property assessment list under the name of the bank or banking corporation concerned, but in the assessment list the names of the owners of such shares shall be set forth and the number of shares owned by each, and such assessment, when so entered, shall have all the force and effect as if made in the names of the owners of such shares individually. The bank or banking corporation in which such shares are owned shall be liable for the payment of taxes assessed against such shares, and such taxes shall be payable by and may be collected from such bank or banking corporation in the same manner and under the same penalties as other taxes; provided that such bank or banking corporation may recover from such owners of shares any taxes so paid on such shares, and shall have a lien therefor upon such shares and upon any dividends accrued or to accrue thereon."

Section 2. This Act shall be in full force and effect from and after March 1, 1927.

Approved March 8, 1927.

CHAPTER 65.

An Act Empowering the State Board of Health, the State Department of Education and the State Bureau of Child and Animal Protection to Carry on their Respective Functions for the Benefit of the Indians of Montana to the Extent that the Cost of such Services Shall be Provided for by the Congress of the United States through Federal Appropriations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. If and whenever the Congress of the United States shall authorize the administration of federal appropriations for the welfare of the Indians of Montana through the agency of public departments and bureaus of this State, full power and authority is conferred upon such State agencies to administer the expenditure of such federal appropriations for the welfare of such Indians within the scope of the powers conferred upon such departments by law.

Agencies
administrative
expenses.

Section 2. In furtherance of this authorization, the State Board of Health is hereby authorized, empowered and directed to administer the expenditure of all such federal appropriations as may be made for the care and hospitalization of and for medical attention to sick or injured Indians, and for the control and prevention of communicable and infectious diseases, and general sanitation among the Indians of Montana. The State Board of Education is authorized, empowered and directed to administer the expenditure of such federal appropriations as may be made for the construction and maintenance of schools and the education of the Montana Indians. The State Bureau of Child and Animal Protection is authorized, empowered and directed to administer the expenditure of such federal appropriations as may be made for the relief of aged, infirm, and indigent Indians throughout the State of Montana. Subject to such limitations as the Congress of the United States or the Secretary of the Interior may lawfully impose upon the administration of such funds, the several State departments above mentioned are authorized to expend the same for the purposes within their respective jurisdictions which in the opinion of the respective heads of said departments will best conserve the interests and welfare of all the Indians residing within the State of Montana.

Board of Health
to administer
sanitation
expenses.

Board of
Education
for schools.

Child and
animal
protection.

Budgets.

Section 3. If the Congress of the United States shall require the submission of budgets to the Secretary of the Interior or any other federal agency before authorizing the expenditure of federal funds, such state agencies are hereby authorized to prepare budgets showing the amounts necessary during each year to carry out the purposes for which such federal appropriations may be made, and shall submit such budgets when prepared to the State Board of control who shall coordinate the same so far as possible and approve them before they are forwarded to the federal agency charged with receiving them by Congress. Thereafter said State agencies shall account directly to the federal disbursing and auditing officers and employees of each of said departments shall be responsible upon their official bonds to such federal disbursing and auditing officers for a proper accounting for all funds so disbursed.

Approved March 8, 1927.

CHAPTER 66.

An Act Accepting the Grant of Numbered School Sections Mineral in Character as Made by An Act of Congress Approved January 25, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State of Montana hereby accepts the grant of numbered School sections mineral in character as made by the Act of Congress entitled "An Act Confirming in States and Territories Title to Lands Granted by the United States in Aid of Common or Public Schools," approved January 25, 1927, subject to the provisions and conditions of the said Act.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 67.

An Act to Amend Section 10212, Section 10213, and Section 10220 of the Revised Codes of Montana, 1921, Relating to the Sale of Real Estate and the Contracts for the Purchase of Lands in Probate Proceedings: Providing for the Issuance of an Order to Persons Interested to Appear; The Manner of Service Thereof, the Giving of the Notice of Sale and Contents Thereof and Repealing all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10212 of the Revised Codes of Montana, 1921 be and the same is hereby amended to read as follows:

“**Section 10212.** If it appears to the Court or Judge, from such petition, that it is necessary, or that it would be for the advantage, benefit, and best interests of the estate, and those interested therein, including the minor heirs, if any, to sell the whole or some portion of the real estate, for the purposes and reasons mentioned in the preceding section, or any of them, such petition must be filed, and an order thereupon made, directing all persons interested in the estate to appear before the Court or Judge, at a time and place specified, not less than fifteen, nor more than thirty days from the time of making such order, to show cause why an order should not be granted to the executor or administrator to sell so much of the real estate of the decedent as is necessary.”

Sale of
real estate.

Hearing to
show cause.

Section 2. That Section 10213 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

“**Section 10213.** A copy of the order to show cause must be personally served on all persons interested in the estate, any general guardian of a minor so interested, and any legatee, or devisee, or heir of the decedent, provided they are residents of the county. If any such persons are not residents of the county the Clerk of the Court must forthwith deposit a copy of the order in the post office, registered, postage prepaid, directed to the person to be served, at his place of residence, such service to be at least ten days before the time appointed for hearing the petition, or such order may be published

Service.

Notice not
necessary when.

once a week for two consecutive weeks in such newspaper in the county as the Court or Judge may direct. If all persons interested in the estate join in the petition for the sale or signify in writing their assent thereto, the notice may be dispensed with, and the hearing may be had at any time."

Section 3. That Section 10220 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Public auction.

Post notices

Publication.

"**Section 10220.** When a sale is ordered, and it is to be made at public auction, notice of the time and place must be posted in three of the most public places in the county in which the land is situated, and published once in a newspaper, if there be one printed in the same county, but if none, then in such paper as the Court or Judge may direct, not less than seven days before the date of sale; the lands and tenements to be sold must be described with common certainty in the notice."

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1927.

CHAPTER 68.

An Act to Amend Sections 3123 and 3124 of the Revised Codes of Montana, 1921, Being the Medical Practice Act of Montana, and Relating to the Duties of the Medical Examining Board and Fees of Applicants and Persons Licensed to Practice Medicine and to Compensation and Mileage of Members of the Medical Examining Board of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3123 and Section 3124 of the Revised Codes of Montana, 1921, be, and the same are hereby amended to read as follows:

Fee for
examination

"**Section 3123.** Candidates for examination shall pay in advance to the secretary of the Board of Medical Examiners a fee of Fifty Dollars (\$50.00), which fee shall defray the entire expenses of said candidate for examination before the aforesaid Board of Examiners. Any one failing to pass the required examination shall be en-

titled to a second examination within six months without fee. Candidates who shall be granted right to practice medicine in the State of Montana under the reciprocity provisions of Section 3118 of the Revised Codes of Montana, 1921, without examination, shall before receiving certificate of authorization to practice medicine in this State pay to the Secretary of the Board of Medical Examiners a fee of Seventy-Five Dollars (\$75.00), and the money so received shall be turned over to the State Treasurer, to be by him deposited in the Medical Board Fund as provided by law.

Fee without examination.

Section 3124. Each member of the Board is hereby allowed the sum of Ten Dollars (\$10.00) per day and mileage while in the active and necessary discharge of his duties. And there is hereby established a fund to be known as the Medical Board Fund. The money in such fund shall only be paid out by warrant on said fund on an order drawn by the secretary of said Board, countersigned by the President. The rate of mileage and attendance before said Board shall be the same as is now allowed in justice of the peace courts. And the board must report annually on the first Monday in November to the Governor, which report must show all the transactions of the board, giving the number of applications received, and from whom received, the number of certificates granted and rejected, and the names of those receiving certificates and those rejected, giving the reasons therefor, the amount of money received, the expenses, the fees and mileage paid, and by whom received, and the amount of money remaining in said fund."

Allowance for board.

Medical Board fund.

Board reports annually.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 69.

An Act to Amend Section 5176 of the Revised Codes of Montana, 1921, Relating to Impounding Animals by Incorporated Cities and Towns, and the Sale of the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5176 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

"Section 5176. Contents of Notice. Said notice shall be in writing and shall give the number, description, marks and brands of such stock when impounded, seized, restrained or held, with the reasons therefor, together with the amount of charges, if any, which shall be reasonable, and in no case exceed the actual cost of holding, and costs in event of sale, and what disposition will be made of said stock if such charges are not paid, and when and where such disposition shall be made."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1927.

CHAPTER 70.

An Act to Amend Section 10251 and Section 10252 of the Revised Codes of Montana, 1921, Relating to the Mortgage of Real Estate Belonging to the Estate of Deceased Persons; Providing for the Issuance of the Order to Show Cause, the Service of the said Order, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10251 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

“Section 10251. Upon filing such petition an order must be made by the Court or Judge, requiring all persons interested in the estate to appear before the Court or Judge, at a time and place specified, not less than fifteen (15) nor more than thirty (30) days thereafter, then and there to show cause why the realty (briefly indicating it), or some part thereof, should not be mortgaged for the amount mentioned in the petition (stating such amount), or such lesser amount as to the Court or Judge shall seem meet, and referring to the petition on file for further particulars.”

Order to show cause why realty should not be mortgaged.

Section 2. That Section 10252 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

“Section 10252. The order to show cause may be personally served on the persons interested in the estate, at least ten (10) days before the time appointed for hearing the petition, or it may be published once a week for two (2) successive weeks in such newspaper published in the county, as the Court or Judge shall direct. If all persons interested in the estate join in the petition or signify in writing their assent thereto, the notice may be dispensed with, and the hearing may be had at any time; provided, further, that if such petition is for the purpose of extending or renewing any mortgage already subsisting on said realty, or on some part thereof, and the Court finds such extension or renewal necessary or to the best interest of the estate, the Court may make an order authorizing the extension or renewal of such mortgage without notice.”

Service.

Notice not necessary when.

Section 3. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1927.

CHAPTER 71.

An Act to Amend Section 4944 of the Revised Codes of Montana, 1921, Relating to Witness Fees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4944 of the Revised Codes of Montana, 1921, be amended to read as follows:

“Section 4944. No witness shall be obliged to attend

court, or before a referee, or any officer authorized to take depositions, or commissioner, when subpoenaed, unless his mileage and fees for one day's attendance are tendered or paid to him on his demanding the same, nor unless his fees for attendance thereafter for each day are tendered or paid to him on demand. The fees of witnesses paid may be taxed as costs against the losing party."

Approved March 8, 1927.

CHAPTER 72.

An Act Providing for the Submission to the Qualified Electors of the State of Montana of An Amendment to Section 4 of Article XVI of the Constitution of Montana, Relating to County Commissioners; Providing for the Division of Counties Into Commissioners Districts; Providing for the Election of One Commissioner From Each of Said Commissioners Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be submitted to the qualified electors of the State of Montana at the next general election to be held in said State, the following amendment to Section Four of Article XVI of the Constitution of the State of Montana relating to County Commissioners.

That Section four of Article XVI of the Constitution of the State of Montana, be amended so as to read as follows:

Term.

Commissioner districts.

Dividing of districts.

"Section 4 (of Article XVI). In each county there shall be elected three County Commissioners, whose term of office shall be six years; provided that each county in the State of Montana shall be divided into three Commissioner Districts, to be designated as Commissioner Districts, numbers one, two and three, respectively.

"The Board of County Commissioners shall in every county in the State of Montana, at their regular session, on the first Monday in May, 1929, or as soon thereafter as convenient or possible, not exceeding sixty days thereafter, meet and by and under the direction of the District Court Judge or Judges of said county, divide their respective counties into three Commissioner Districts as

compact and equal in population and area as possible, and number them respectively, one, two and three, and when such division has been made, there shall be filed in the office of the County Clerk and Recorder of such county, a certificate designating the metes and bounds of the boundary lines and limits of each of said Commissioners Districts, which certificate shall be signed by said Judge or Judges; provided, also that at the first regular session of any newly organized and created county, the said Board of County Commissioners, by and under the direction of the District Court Judge or Judges of said county, shall divide such new county into Commissioner Districts as herein provided.

“Upon such division, the Board of County Commissioners shall assign its members to such districts in the following manner; each member of the said Board then in service shall be assigned to the district in which he is residing or the nearest thereto; the senior member of the Board in service to be assigned to the Commissioner District No. 1, the next member in seniority to be assigned to Commissioner District No. 2, and the junior member of the board to be assigned to Commissioner District No. 3; provided, that at the first general election of any newly created and organized county, the commissioner for District No. 1, shall be elected for two years, for No. 2, for four years, and for No. 3, for six years, and biennially thereafter there shall be one Commissioner elected to take the place of the retiring Commissioner, who shall hold his office for six years.

Assignment
to districts.

Terms.

“That the Board of County Commissioners by and under the direction of the District Court Judge or Judges of said County, for the purpose of equalizing in population and area such Commissioner Districts, may change the boundaries of any or all the Commissioner Districts in their respective county, by filing in the office of the County Clerk and Recorder of such county, a certificate signed by said Judge or Judges designating by metes and bounds the boundary lines of each of said Commissioner Districts as changed, and such change in any or all the districts in such county, shall become effective from and after filing of such certificate; provided, however, that the boundaries of no Commissioner District shall at any time be changed in such a manner as to affect the term of office of any County Commissioner who has been elected, and whose term of office has not expired; and

Changing
boundaries.

Proviso.

provided, further, that no change in the boundaries of any Commissioner District shall be made within six months next preceding a general election.

Members to be residents of district.

“At the general election to be held in 1930, and thereafter at each general election, the member or members of the Board to be elected, shall be selected from the residents and electors of the district or districts in which the vacancy occurs, but the election of such member or members of the Board shall be submitted to the entire electorate of the county, provided, however, that no one shall be elected as a member of said board, who has not resided in said district for at least two years next preceding the time when he shall become a candidate for said office.

Vacancy appointment.

“When a vacancy occurs in the Board of County Commissioners the Judge or Judges of the Judicial District in which the vacancy occurs, shall appoint someone residing in such Commissioner District where the vacancy occurs, to fill the office until the next general election when a Commissioner shall be elected to fill the unexpired term.”

Counting and canvassing.

Section 2. The vote upon this amendment shall be counted and canvassed by such officials and in such manner as is provided by law for the counting and canvassing of the votes for members of Congress and if a majority of all votes cast at said election for and against said amendment shall be in favor of the amendment, the Governor of the State shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as a part of the Constitution from and after the date of said proclamation.

Section 3. Separate official ballots shall be used at the general election to be held in November 1928, which shall have printed thereon the words:

☐

For the amendment to the Constitution relating to County Commissioner Districts.

☐

Against the amendment to the Constitution relating to Commissioner Districts.

And the elector shall designate his preference for either of the propositions by making an (X) before the proposition desired.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 73.

An Act to Amend Section 10434, Revised Codes of Montana, 1921, Relating to the Manner of Giving Notice of Hearing of Petition for Sale of Real Estate or of Real and Personal Estate of a Ward, and Providing That If Written Consent to Making the Order of Sale Is Given by All Persons Interested in the Estate of the Ward and By His Next of Kin, Notice Need Not Be served or Published and Such Hearing May Take Place at Any Time.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10434 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“**Section 10434.** A copy of the order must be personally served on the next of kin of the ward, and on all persons interested in the estate, at least fourteen days before the hearing of the petition, or must be published at least once a week for three successive weeks in a newspaper printed in the county, or if there be none printed in the county, then in such newspaper as may be specified by the court or judge in the order. If written consent to making the order of sale is subscribed by all persons interested therein, and the next of kin, notice need not be served or published, and the hearing may be had at any time.”

Service.

Notice not
necessary when.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 74.

An Act to Amend Section 11 of Chapter 113 of the Session Acts of the Nineteenth Legislative Assembly of Montana of 1925 Relating to Certificates of Registration of Motor Vehicles.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11 of Chapter 113 of the Acts of the Nineteenth Legislative Assembly of Montana of 1925, be, and the same is hereby amended to read as follows:

“**Section 11.** Every person applying for a certificate of registration of any motor vehicle for which a license has previously been issued, shall present to the Registrar of Motor Vehicles either the original or a duplicate of such certificate of registration. A charge of Twenty-five Cents shall be made by the Registrar of Motor Vehicles for all duplicate certificates of title or of registration issued by him.”

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 75.

An Act to Provide for the Right to Construct and Maintain Gas Pipe Lines, Water Mains, or Mains Carrying any Other Substance in, Along and Under Public Roads and Highways Within the Counties of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Board of County Commissioners of any county of the State of Montana shall have the power and authority to grant to any person, association or corporation the right to construct and maintain in, along and under any public road or highway within such county, any pipe line for the conveyance of natural or artificial gas, water or any other substance, for the use of any county, city or town, or the inhabitants thereof; provided, that, when constructed, such pipe line shall not now or in the future interfere with the sur-

Pipe line
construction.

face use of such road or highway; and provided further, that the person, association or corporation owning or constructing such pipe line shall compensate such county for any and all damages done to any such road or highway in the laying, construction or maintenance of such pipe line, and shall promptly restore any such road or highway to its former condition of usefulness, without interference with the traffic thereon. Damages.

Section 2. Nothing in this Act contained shall be construed as in any manner affecting any of the terms and provisions of Chapter 14 of Part IV of the Code of Civil Procedure as set forth in the Revised Codes of 1921.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 76.

An Act to Amend Section 1230 of the Revised Codes of Montana of 1921, Relating to the Redemption of School District Bonds, and the Investment of the Bond Sinking and Interest Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1230 of the Revised Codes of Montana of 1921. be, and the same is hereby amended to read as follows:

“Section 1230. Redemption. Notice to Bondholder. Investment of the Bond Sinking and Interest Fund. Redemption.
When the sum in said sinking fund shall equal or exceed the amount of any bond then due, the county treasurer shall give notice to each bondholder, if known to him, and shall post in his office a notice that he will, within thirty days from the date of such notice, redeem the bonds then payable, giving the numbers thereof, and preference shall be given to the oldest issue; and if, at the expiration of the said thirty days, the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon shall cease; but the treasurer shall at all times thereafter be ready to redeem Notice to bond holder.

Investment of
sinking fund.

the same on presentation, and when any bonds shall be so purchased or redeemed, the county treasurer shall cancel all bonds so purchased and redeemed by writing across the face of such bond or bonds, in red ink, the word "Redeemed," and the date of such redemption; provided, that whenever in the judgment of the Board of School Trustees and prior to the redemption of said bonds, said Board shall deem it advisable and for the best interest of the school district to invest said sinking fund or any part thereof, the Board may, by an order entered upon their minutes, direct and require the county treasurer to invest said sinking fund, or any part thereof, in interest bearing bonds of the United States, or of the State of Montana, or of any county of the State of Montana; or in warrants of the State of Montana, or warrants of any county of the State of Montana, until such redeemable period.

Any such bonds or warrants shall be purchased at the lowest market price.

Section 2. All Acts and parts of Acts insofar as the same conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 77.

An Act to Amend Section 1010 of the Revised Codes of Montana, 1921, As Amended by Chapter 70 of the Session Laws of the Eighteenth Legislative Assembly of 1923 and As Further Amended by Chapter 76 of the Session Laws of the Nineteenth Legislative Assembly of 1925, Relating to Transportation, Board, Rent, Tuition of Pupils of Any School District or Districts of State of Montana and Providing for Furnishing Rent and Board for Such Pupils and Providing for Appeal.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1010 of the Revised Codes of Montana, 1921, as amended by Chapter 70 of the Session Laws of the Eighteenth Legislative Assembly of 1923

and as further amended by Chapter 76 of the Session Laws of the Nineteenth Legislative Assembly of 1925, be, and the same is hereby amended to read as follows:

“Section 1010. Transportation of Pupils, Etc. That the trustees of any school district of the State of Montana, when they shall deem it for the best interest of all pupils residing in such district, may close their school and send pupils of the district to another district and for such purpose are hereby empowered to expend any moneys belonging to their district for the purpose of paying for the transportation of pupils from their district to such other district or districts and for the purpose of paying their tuition. Whenever the trustees of any school district in the State of Montana deem it for the best interest of such district and the pupils residing therein they may expend any moneys belonging to their district for the purpose of paying for the transportation of pupils from their homes to the public school or schools maintained in such district; provided, however, that in the letting of the contract for the transportation of more than five pupils on a single transportation route, the trustees of school districts shall advertise for bids for transportation of such pupils in one issue of the county paper having the largest circulation in such district at least fifteen days prior to the letting of contract, and in the event that there is no newspaper published in the county, then three notices calling for bids shall be posted in three separate and conspicuous places in the district and provided that the contract for such transportation shall be let to the lowest responsible bidder and suitable bond be furnished by contractor, and provided that the trustees of any district shall not, except where there is rail transportation or where it is necessary to transport pupils for special instruction from school to school, be allowed to expend any of the district's money for transportation of pupils who live nearer than two miles from the limits of an incorporated city in which the child attends school or nearer than two and a half miles from the school the child attends, unless any child resides on an established consolidated route, provided, however, that this limitation as to mileage shall not apply to districts of the first or second class. When they deem it for the best interest of such district and the pupils residing therein, that any of such pupils should be sent to a school in their own or some other district, they must

Joining of
districts.

Expense.

Bids.

Transportation.

expend any moneys belonging to their district for the purpose of either paying for the transportation of such pupils from their homes to the public school or schools of such district or for their board, rent, or tuition while actually attending such schools. Provided that if there are 5 pupils or less, then the County Superintendent of Schools and trustees shall determine before any contracts are entered upon, whether such provision of board, rent, transportation or tuition is justified by the circumstances and also what is a reasonable charge for board, rent, transportation or tuition in every case where such measures have been adopted. If, in the judgment of the county superintendent and trustees of said districts, there is any evidence of fraud in securing an allowance for board, transportation, house rent or tuition by reason of the applicant's having purposely changed his residence or otherwise having contrived to secure assistance, no district funds shall be allowed for any of the purposes above enumerated.

Evidence of fraud.

District relieved must help another district where children attend.

When a district is relieved of the necessity of supporting any school by the fact that all or a part of the children residing in the district are being provided with schooling in another district, it shall be the duty of the trustees in the district holding no school to assist in the support of the school which the children of their district are attending, in proportion to the relation the number of children from their district attending school in another district bears to the total number of children enrolled in the school in the other district. No district shall be entitled to share in the county apportionment if trustees refuse to comply with the above requirement when they are thus relieved of the necessity of providing any school."

Appeal to Board of Education.

Section 2. If any person shall be dissatisfied with any finding or determination of either the board of trustees or county superintendent of schools under the provisions of this chapter relating to transportation, rent, tuition or board, such person may appeal from such finding or determination by written petition to the State Board of Education.

Section 3. Nothing in this Act shall be construed as repealing, abrogating or modifying Section 1044 of the Revised Codes of Montana, 1921, as amended by Chapter 178 of the Session Laws of the Nineteenth Legislative Assembly of 1925.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 78.

An Act to Amend Section 3382, Revised Codes of Montana, 1921, As Regards Trespassing Stock and Providing That Only Nominal Damages May Be Collected for a Trespass Unless Notice Is Given Within Six Months After Alleged Trespass Demanding a Sum Certain in Damages Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3382 of the Revised Codes of Montana, 1921, be amended to read as follows:

"3382. Marking. Right of Action Against Trespassing Stock. No person owning or possessing agricultural or grazing land, or patented mining claims lying within said national forest reserves of this State or on the public range lying adjoining to any said national forest reserve, the boundaries of which said lands are not marked as required by the provisions of this Act, shall have any claim or cause of action or right of action against the owner of sheep, cattle or other livestock under the charge of a herder, for trespass committed by such livestock upon said land, and such shall be the rule regardless of whether the said sheep so trespassing strayed thereon on their own inclination and without being driven, or whether said sheep were herded or driven on said land; provided, that no person or persons can claim exemption for trespassing under the provisions of this section where such person or persons shall have actual knowledge of the boundary lines of any lands herein referred to; but in no event shall damages other than nominal damages be assessed against said trespass, unless the land owner or his duly authorized agent shall within six months after said trespass has been committed, give said trespasser written notice demanding a sum certain for damages sustained by reason of such trespass."

Trespassers
not liable for
damage when.

Written notice
of trespass.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 79.

An Act Transferring the Duty and Responsibility of Collecting All Non-Resident Inheritance Taxes, All Gross Earnings Taxes on Freight Lines and All License Taxes Which Are Determined by the Board of Equalization, From the State Treasurer to the Board of Equalization and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The duty of collecting the non-resident inheritance taxes, all gross earning taxes on freight lines, and the following license taxes, to-wit: The corporation license tax, taxes on express companies and sleeping car companies, coal mines, and dealers license taxes, metalliferous mines license tax, cement producers and dealers license taxes, the gasoline distributors and dealers license tax, the oil producer's license tax and all other license taxes determined by the State Board of Equalization, the responsibility for collection of which has heretofore been imposed upon the State Treasurer are hereby transferred from the State Treasurer to the State Board of Equalization; such collections to be turned over to the State Treasurer on the 10th and 25th day of each and every month, and it is further provided that all duties heretofore imposed by law upon the State Treasurer, with reference to the collection and issuance of receipts for any of the above named license taxes, or other taxes above enumerated, are hereby imposed upon the State Board of Equalization.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 80.

An Act to Amend Section 1743 of the Revised Codes of Montana of 1921 Relating to Traffic Regulations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1743 of the Revised Codes of 1921, relating to traffic regulations be and the same is hereby amended so as to read as follows:

“**Section 1743. Traffic Regulation.** Every person operating or driving a vehicle of any character upon a public street or highway of this state must observe the following traffic regulations:

Traffic regulations.

1. Traffic must everywhere and at all times keep to the right. Vehicles moving in opposite directions must pass each other by turning to the right. Vehicles moving in the same direction must pass by turning to the left on the part of the one passing, and turning to the right on the part of the one being passed. At all (turns) curves, corners, and crossings, and particularly where the view is in any manner obstructed both in cities and towns and in the country, vehicles must slow down and be under complete control and must keep to the right, so that if the width of the road permits, there is room on their left for the passing vehicle that may at any time suddenly or unexpectedly appear.

Keep to right.

Passing.

curves.

2. In cities, towns or villages where traffic is heavy, slow moving traffic must keep as near as possible to the curb. Vehicles turning corners to the right must keep close to the right-hand curb; in turning to the left, vehicles must keep to the right and swing full around the intersection of the center lines of the street. The operator or driver of any vehicle desiring for any reason, either at or between street crossings, to turn to the left, must warn all following by extending his arm full from the shoulder for a period of not less than two seconds, and sufficiently in advance of turning to enable any one following to stop or make the necessary change in course. Provided, however, that if the motor vehicle operated and driven be equipped in the rear with a signal lamp with direction indicators which will indicate clearly and positively the direction the operator or driver desires for any reason to turn, whether to the right or to the left, either at or between street crossings, and warning is given all following by means of such signal lamp for a period of

Slow traffic near curb.

Turning to left.

Extend arm.

Signals.

not less than two seconds, and sufficiently in advance of turning to enable any one following to stop or make the necessary change in course it shall not be necessary to extend the arm and the foregoing provision relating thereto shall be of no force or effect during the period between one hour after sunset and one hour before sunrise.

Permit passing
from rear on
notice.

3. The operator or driver of any vehicle upon a public highway, upon being overtaken by another vehicle and receiving a signal or notice from the operator or driver of the vehicle in the rear that he desires to pass must, without unnecessary delay make every reasonable effort to permit him to do so.

Street cars.

4. No motor vehicle operating upon a public street or highway of this state shall pass on either side thereof a street-car which has stopped to receive or discharge passengers at a less distance than eight feet, nor at a speed greater than six miles per hour."

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 81.

An Act to Amend Chapter 30, of the Session Laws of the Eighteenth Legislative Assembly As Amended by Chapter 85 of the Nineteenth Legislative Assembly, Relating to the Publication of the Report of the State Examiner, Covering the Examination of the Various County Offices.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1, of Chapter 85, of the Acts of the Nineteenth Legislative Assembly be and the same is hereby amended to read as follows:

Examiners
report a part
of minutes.

"**Section 1.** Upon the receipt of the State Examiner's report covering the examination of the affairs of any county, it shall be the duty of the Board of County Commissioners of such county, to have such report entered and made a part of the minutes of the next regular meeting of such board; provided such report shall not be published by the Board of County Commissioners as a

part of the minutes of its proceedings. Provided, further, that the State Examiner shall, at the time such report of examination is forwarded to the County Commissioners, send a like copy to the official newspaper of the county for publication. Such publication shall be had once in the official newspaper forthwith, and shall be a charge against the county at the same rate as provided for in the contract for county printing for proceedings of the county commissioners.”

Publication.

Expenses.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 82.

An Act to Amend Sections 918 and 921 of the Revised Codes of Montana of 1921 As Amended by Chapter 66 of the Session Acts of the Nineteenth Legislative Assembly of Montana of 1925, Relating to the Control of the Northern Montana Agricultural and Manual Training School; Creating An Executive Board for Said Institution and Defining Its Powers and Duties; Establishing a Special Fund for the Support of Said School; Authorizing the Location of Academic Departments of Said School at Havre, Montana; and Repealing Section 4 of Said Chapter 66 Last Aforesaid.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 918 of the Revised Codes of Montana of 1921 as amended by Chapter 66 of the Session Acts of the Nineteenth Legislative Assembly of 1925 be, and the same is, hereby amended to read as follows:

“**Section 918.** The general control and management of the Northern Montana Agricultural and Manual Training School is vested in the State Board of Education and the local executive board hereinafter provided for.”

Section 2. That Section 921 of the Revised Codes of Montana of 1921 as amended by Chapter 66 of the Session Acts of the Nineteenth Legislative Assembly of 1925 be, and the same is hereby amended to read as follows:

Executive
board.

"Section 921. The Governor shall, within thirty days after the passage and approval of this Act, designate and appoint two persons, residents of Hill County, Montana, whose tenure of office shall be fixed by the State Board of Education, who together with the chancellor of the University of Montana shall constitute an executive board. The Chancellor of the University to serve until such time as a faculty be selected for said school, after which the President of the school shall serve on said Board in the place of the Chancellor. Said Board shall have the immediate direction and control of the affairs of said school subject only to the general supervision and control of the State Board of Education.

Duties of board.

Said Board shall take possession and control of said school at Fort Assiniboine, Montana, except such parts thereof as are under the control of and being used by the agricultural experiment station. Said Board is authorized with the consent and approval of the State Board of Examiners to sell and dispose of any such property at public or private sale as it may deem advisable to prevent loss through deterioration or other cause. After deducting the necessary expenses of such sale, the proceeds together with any monies received for said school from any other source shall be deposited with the State Treasurer and by him credited to the fund known as the Northern Montana Agricultural and Manual Training School Fund. Said fund shall be used for the support of said school.

Any academic department or departments of said school which do not of necessity or for reasonable convenience need to be located on the premises or grounds of said school at the Fort Assiniboine Military Reservation, may be located by the executive board and State Board of Education within or adjacent to the said city of Havre, Hill County, Montana.

Section 3. Section 4 of Chapter 66 of the Session Acts of the Nineteenth Legislative Assembly of 1925 is hereby repealed.

Section 4. This Act shall take effect from and after its passage and approval.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1927.

CHAPTER 83.

An Act Fixing the Annual Compensation Allowed to the Official Stenographer of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The annual compensation allowed to the official stenographer of the Supreme Court is twenty-six hundred dollars (\$2,600.00).

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 84.

An Act Defining and Providing for the Abatement of Certain Nuisances; Declaring Barbed Wire and Other Wire Fencing a Nuisance Under Certain Circumstances; Authorizing the Board of County Commissioners to Abate Such Nuisances, Providing for the Sale of Such Wire and the Disposition of the Proceeds Thereof, and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All barbed wire and other wire fencing which has sagged or fallen to the ground so as to be ineffectual for the purpose of turning stock, and a menace to any person riding or walking over the same is declared to be a public nuisance, and subject to abatement in the manner hereinafter provided.

Fallen fencing
a nuisance.

Section 2. Upon ascertaining the existence in the county of any nuisance specified in the preceding section of this Act, the Board of County Commissioners shall notify by registered mail the owner of such wire, if such owner be known to said Board and within the State, to remove same. If such owner shall fail to remove said wire or to rebuild said fence within sixty days following receipt of said notice, the Board of County Commissioners shall have authority to remove and dispose of said wire in the manner provided by the next section of this Act.

Notice to
repair.

Section 3. If there be no known owner of such wire within the State, or if such owner be unknown to the

Can be sold.

Board of County Commissioners, said Board shall have authority to collect and remove said wire at the expense of the county. All such wire or other fencing as in the opinion of the Board of County Commissioners can be sold at a price sufficient to cover at least the expense of removal and sale, shall be sold by the County Commissioners in the manner now provided by law for the sale of County property, except that notice of such sale need be published only once and need be given only ten days before such sale.

Treasurer to
hold one year
only.

Section 4. The proceeds of such sale shall be used to defray the cost of collecting and selling said wire, and the balance, if any, be placed by the County Treasurer in a special fund, and shall be held by him subject to claim by any person establishing to the satisfaction of the Board of County Commissioners that he was the lawful owner of said wire and entitled to the remaining proceeds of such sale. If no person claims said money within one year of the date of sale, the same shall be deposited in the General Fund of the County.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1927.

CHAPTER 85.

An Act Providing for the Validating of Tax Sales and Deeds Heretofore or Hereafter Made, Defining the Rights of Original Owners or Claimants of Property or of Any Interest Therein or Lien Thereon, and of Persons (Including Counties) Who Have Acquired or Attempted to Acquire or May Hereafter Acquire or Attempt to Acquire Title to Property Under Any Tax Sales, or Their Successors; Providing for the Re-Sale By the County of Property Acquired or Attempted to Be Acquired by the County at Tax Sales and Confirming Sales of Such Property Heretofore Made or Attempted to Be Made by Counties, and Providing a Summary Method Whereby Such Purchasers at Tax Sales, or Their Successors, May Have Their Respective Rights Adjudicated, and Amending Sections 2214, 2215

and 2235 of the Revised Codes of 1921 of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2214 of the Revised Codes of 1921 of the State of Montana be, and the same hereby is, amended to read as follows:

“2214. Of What Deed Is Evidence—Action to Annul.

Such deed, duly acknowledged or proved is (except as against fraud) conclusive evidence of all other proceedings from the assessment by the assessor up to the execution of the deed, both inclusive, and no action can be maintained to set aside or annul a tax deed or to assert a title hostile to a tax deed upon any ground whatever, whether on the ground that said deed, or any prior proceeding, was irregular or void, other than that the deed was void because no taxes were delinquent on said lands, or because redemption had been made from said tax sale, unless the action is commenced within one year from and after the date of the issuance of said tax deed; provided that any such action as regards any tax deed heretofore issued shall be barred unless instituted within one year from and after the passage and approval of this Act; and, provided further that in any action now pending, or hereafter brought to set aside or annul any tax deed, or to quiet title, or to determine the rights of such purchaser, including the county, or his successors, to real property claimed to have been acquired by reason of tax proceedings or a tax sale, the purchaser or his successor upon filing an affidavit may obtain from the court an order directed to the person claiming to own the property, or to have any interest in or lien upon said property, or a right to redeem the same, or claiming rights hostile to the tax title (which said person is herein, for convenience, called the true owner), commanding him to deposit in court, to the use of the tax purchaser or his successors, the amount of all taxes, interest and penalties which would have accrued if said property had been regularly and legally assessed and taxed as the property of said true owner and sold for delinquent taxes and was about to be redeemed by him, and the amount of all sums reasonably paid hereafter by said purchaser or his successors after three years from the date of said tax sale in preserving said property or in making improvements thereon while in possession thereof, as the

Action to set aside tax deed.

Limitation.

Order for claimant to deposit taxes and other necessary costs.

Contents of
affidavit.

Judge to fix
amount.

What consti-
tutes waiver.

Decree.

Actions to
quiet title.

total amount of said taxes, interest, penalties and improvements is alleged by the plaintiff and shall appear in said order, or to show cause on a date to be fixed in said order, not exceeding thirty days from the date thereof, why such payments should not be made. Said affidavit shall set forth the place of residence of said true owners and whether they are in the State of Montana, if known to the plaintiff, or that the same is not known to the plaintiff. Said order shall be filed with the Clerk and a copy served personally upon all persons shown in said affidavit to be residents of and in the State of Montana, and jurisdiction shall be acquired over all other persons by publishing the same once in a newspaper in the county, and by posting the same in three public places in the county at least ten days before the day fixed for the hearing and by leaving a copy with the County Treasurer. Upon the hearing of the order to show cause the court shall have jurisdiction to determine said amount and to make an order that the same be paid into court within a given time, not exceeding thirty days after the making of said order. If such amount, when so determined, shall not be paid within the time fixed by said court, then said true owner shall be deemed to have waived any defects in the tax proceedings and any right of redemption, and thereupon, irrespective of any irregularities, defects or omissions or total failure to observe any of the provisions of the statutes of Montana regarding the assessment, levying of taxes, or sale of property for taxes, and the giving of notices, including notices of redemption, or concerning tax deeds, whether or not such omissions or failures makes said proceedings void (other than that the taxes were not delinquent or have been paid), the title of such true owner shall not be quiet as against said purchaser or his successors, and a decree shall be entered in said action quieting the title of said purchaser or his successor as against said true owner. If such payment shall be made into court, and said true owner shall be successful in said action and said tax proceeding shall be held void, said sum shall be paid to the purchaser or his successors. If said true owner shall not be successful in said action and the title of said purchaser or his successors shall be sustained, said money shall be returned to said true owner. In actions to quiet title, when brought by the purchaser or the county, or their successors, several tracts of land contiguous or non-contiguous, and whether owned by different defend-

ants, may be set forth in one complaint, and all persons claiming any title to or interest in or lien upon any of said premises, or any part thereof, although their said claims are independent and not in common, and do not cover the same tracts, may be joined as defendants. The procedure in said action shall follow, as near as may be, the procedure specified in Sections 9479 to 9488. In the final judgment the court shall also determine the rights growing out of any additional taxes on said property accruing or being paid by either party during the pendency of said suit and, in said suit, the court shall have complete jurisdiction to fix the amount of taxes which should have been paid and to determine all questions necessary in granting full relief, including the power, in appropriate cases to order any assessor or other tax officer to make and certify to the court a corrected or new assessment or to do any other act or thing necessary to enable the court to do complete justice in the premises. Errors may be reviewed on appeal from the final judgment."

Section 2. That Section 2215 of the Revised Codes of 1921 of the State of Montana be, and the same hereby is, amended to read as follows:

"2215. Title Conveyed by Deed. All deeds heretofore or hereafter executed more than three years after any tax sale shall be deemed to convey to the grantee the absolute title to the lands described therein as of the date of the expiration of three years following the date of sale, including all the right, title, interest, estate, lien, claim and demand of the State of Montana, and of the county, in and to said real estate, and including the right of, if said tax deed or tax sale, or any of the tax proceedings upon which said deed may be based, shall be attacked and held irregular or void, to recover the unpaid taxes, interest and penalties which would accrue if said tax proceedings had been regular and it was desired to redeem said property, free of all encumbrances, except the lien for taxes which may have attached subsequent to the sale, and except when the land is owned by the United States or the State, in which case it is prima facie evidence of the right of possession accruing as of the date of the expiration of such period for redemption. If any tax deed or deed purporting to be such has been or shall be issued more than three years and thirty days after any tax sale or attempted tax sale, the grantee may pub-

Deed what it conveys.

"Notice of claim of a tax title."

lish in any newspaper in the county published at the county seat or if none, in any other newspaper once a week for two weeks a notice entitled 'a notice of claim of a tax title' which shall set forth a description of any property claimed to have been acquired by a tax deed, an estimate of the amount due thereon for taxes, interest and penalties, and a statement that for further particulars reference is made to the records in the office of the County Treasurer; also the name of the person claiming to have obtained a tax deed to said property and the name of the person in whose name said property was assessed or taxed and a statement that demand is made that such person shall, within (30) thirty days after the first publication of said notice, pay to said claimant or to the County Treasurer to his use the amount of the taxes, interest and penalties as the same may appear in the records of the County Treasurer or bring a suit to quiet his title or to set aside said tax deed or deeds. Any mistake in the amount or in any name specified in said notice shall not invalidate the same. If, within said period of (30) thirty days, said taxes, interest, and penalties shall not have been paid or said suit brought, all defects in the tax proceedings and any right of redemption shall be deemed waived and thereupon, irrespective of any irregularities, defects, or omissions, or total failures to observe any of the provisions of the Statutes of Montana regarding the assessment, levying of taxes, or sale of property for taxes, and the giving of notices including notices of redemption, whether or not such omissions or failures make said proceedings void (other than that the taxes were not delinquent or have been paid) the title to said property described in said notice and in the tax deed shall be valid and binding."

When title
good.

Section 3. That Section 2235 of the Revised Codes of 1921 of the State of Montana be, and the same hereby is amended to read as follows:

"Section 2235. Sale of Unredeemed Property by County Commissioners. Whenever the county has become, or attempted to become, the purchaser of any property, real or personal, sold for delinquent taxes, and said property has not been redeemed by the person entitled to do so, and a tax deed or instrument purporting to convey title has been issued to the county, whether the same was regular or irregular, valid or invalid, the board

Public sale.

of county commissioners may, at any time, by an order entered upon the minutes of its proceedings, sell such property at public auction at the front door of the court house; provided, however, that thirty (30) days notice of such sale shall be given by the board of county commissioners by publication in a newspaper printed in the county and by posting copies of such notice in at least five public places in the county; and provided further, that no sale of any property shall be made for a price less than the fair market value thereof, as determined and fixed by the board of county commissioners at the time of making the order for sale, and which value shall be stated in the notice of sale.

Notice.

Such sale may be made for cash, or, in the case of real property, on such terms as the board of county commissioners may approve; provided, however, that if such sale is made on terms at least twenty per cent. (20%) of the purchase price shall be paid in cash at the date of sale, and the remainder may be paid in installments extending over a period of not to exceed five years, and all such deferred payments shall bear interest at the rate of 6% per annum.

Terms of sale.

If a sale is made on terms the chairman of the board of county commissioners shall execute a contract containing such terms as shall be provided by a uniform contract prescribed by the Board of Equalization. Upon payment of the purchase price in full, together with all interest which may become due on any instalments or deferred payments, the chairman of the board of county commissioners shall execute a deed to the purchaser, or his assigns, or such other instrument as will be sufficient to convey all of the title of the county in and to the property so sold.

Contract of terms.

On the first Monday in March following the execution of such contract, or deed, as the case may be, the property shall be subject to taxation in the name of the purchaser or his assignee, and the purchaser, or his assignee shall thereafter pay all taxes and assessments lawfully laid against such property.

Payment of taxes.

All sales heretofore made, or attempted to be made, by counties of property purchased for taxes, and the deeds to purchasers from such counties, whether or not irregular or void for any reason, or because of any irregularity or failure to follow the directions or comply with

Effect of sale.

the provisions of any statute relating to such deeds, or relating to the taxation or sale of such property for taxes, or the time or manner of redeeming property or of securing a tax deed, are hereby confirmed, and said deeds and any deed or contract executed under this section shall vest in the purchaser, as of the date of said deed or contract, all the right, title, interest, estate, lien, claim and demand of the State of Montana, and of the county, in and to said real estate, including the right to recover unpaid taxes, interest and penalties if the tax sale or any of the tax proceedings or tax deed shall be attached and held irregular or void.

Proceeds of sale.

The proceeds of every such sale shall be paid over to the county treasurer who shall apportion and distribute the same in the following manner:

Excess of taxes and assessments how credited.

1. If such proceeds are in excess of the aggregate amount of all taxes and assessments accrued against such property for all funds and purposes, without penalty or interest, then so much of such proceeds shall be credited to each fund or purpose, as the same would have received had such taxes been paid before becoming delinquent, and all excess shall be credited to the general fund of the county.

Less than taxes and assessments how credited.

2. If such proceeds shall be less in amount than the aggregate amount of all taxes and assessments accrued against such property for all funds, and purposes, without penalty or interest, then such proceeds shall be prorated between such funds and purposes in the proportion that the amount of taxes and assessments accrued against such property for each such fund or purpose bears to the aggregate amount of taxes and assessments accrued against such property for all such funds and purposes."

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed; provided, however, that this Act is not intended, and nothing herein shall be deemed to be intended, either to repeal or displace Chapter 89 of the Laws of the Nineteenth Legislative Assembly of the State of Montana.

Section 5. This Act shall take effect from and after its final passage.

Approved March 8, 1927.

CHAPTER 86.

An Act to Amend Section 1121 of the Revised Codes of Montana of 1921, Relating to Meetings of the Public School Teachers' Retirement Salary Fund Board and to the Expenditures in Administering the Public School Teachers' Retirement Salary Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1121 of the Revised Codes of Montana of 1921 be, and the same hereby is amended to read as follows:

"Section 1121. Place of Meeting—Additional Help, Stationery, Etc. The said Public School Teachers' Retirement Salary Fund Board shall hold its meetings at the office of the State Superintendent of Public Instruction. It shall be entitled to the use of the offices of the said State Superintendent, and the Board is empowered to employ such additional help and make such expenditures for stationery, stamps, etc., as may be necessary for the creation, maintenance, and enforcement of this Act, which shall be a legal charge against the Public School Teachers' Retirement Salary Fund and shall be paid therefrom."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 87.

An Act to Amend Section 1075 of the Revised Codes of the State of Montana of 1921, Relating to the Tenure of Office of Teachers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1075 of the Revised Codes of the State of Montana of 1921, be and the same is hereby amended to read as follows:

"Section 1075. After the election of any teacher or principal for the third consecutive year in any school

When
principals and
teachers
considered
re-elected.

Acceptance of
re-election.

district in the state, such teacher or principal so elected shall be deemed re-elected from year to year thereafter at the same salary unless the board of trustees shall by majority vote of its members on or before the first day of May give notice in writing to said teacher or principal that he has been re-elected or that his services will not be required for the ensuing year; provided that nothing in this Act shall be construed to prevent re-election of such teacher or principal by such board at an earlier date, and also provided that in case of re-election of such teacher or principal, he shall notify the board of trustees in writing within twenty days after the notice of such re-election of his acceptance of the position tendered him for another year and failure to so notify the board of trustees shall be regarded as conclusive evidence of his non-acceptance of the position."

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 88.

An Act to Amend Section 1760 of the Revised Codes of Montana, 1921, As Amended by Chapter 107 of the Eighteenth Legislative Assembly, Relating to the Registration Fees for Motor Vehicles and the Disposition Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1760 of the Revised Codes of Montana, 1921, as amended by Chapter 107 of the Laws of the 18th Legislative Assembly, be and the same is hereby amended to read as follows:

Registration
fees.

"**Section 1760. Registration Fees.** 1. Registration fee shall be paid to the registrar of motor vehicles upon registration or re-registration of dealers and motor vehicles in accordance with this Act, as follows:

'Dealers in motor vehicles other than motorcycles, Seventy-five Dollars.

‘Dealers in motorcycles, Twenty-two Dollars and fifty cents.

‘Dealers in automobile accessories where volume exceeds \$200.00 per year, Ten Dollars.

‘Motor vehicles, other than motor trucks, having a rated engine capacity not exceeding twenty-three horsepower (according to S. A. E. formula), Seven Dollars and fifty cents.

‘Motor vehicles, other than motor trucks, having a rated engine capacity exceeding twenty-three horsepower, and not more than thirty-seven horsepower (according to S. A. E. formula), Fifteen Dollars.

‘Motor vehicles, other than motor trucks, having a rated engine capacity exceeding thirty-seven horsepower (according to S. A. E. formula) Twenty-two Dollars and fifty cents.

‘Trucks not over $\frac{1}{2}$ ton capacity \$7.50.

‘Electrically driven passenger vehicles, Fifteen Dollars.

‘Trucks not over one ton capacity, Ten dollars.

‘Trucks over one and not over two tons capacity, Twenty-two Dollars and fifty cents.

‘Trucks over two and not over three tons capacity, Thirty-seven Dollars and fifty cents.

‘Trucks over three and not over five tons capacity, Sixty Dollars.

‘Trucks over five tons capacity, Two Hundred Dollars.

All rates to be 25% higher for motor vehicles when not equipped with pneumatic tires.

‘Bicycle with motor attachment, One Dollar and fifty cents.

‘The registrar of motor vehicles shall first deduct from all fees paid under the provisions of this Act, the actual cost of making and mailing all licenses, certificates, license plates, and identification marks, and shall transmit the remainder of the fees so paid to the county from which the registration fee came, to be used by said county for the construction, repair and maintenance of all public highways within said county, including city

Disposition of fees.

streets forming component parts of arterial highways within the corporate limits of cities within the boundaries of said county.

When one-half.

'2. If any dealer or motor vehicle is originally registered after July thirty-first in any year, the registration fee for the balance of such year shall be one-half of the regular fee above given.

More than one place of business.

'3. A dealer who shall maintain more than one place of business or who shall maintain any branch establishment or establishments, must register and pay a registration fee for each such place of business or establishment.

Transfer of certificate how made in case of sale.

'4. A registered dealer who may sell and dispose of his entire business to any other person may have his certificate of registration transferred to such purchaser, upon filing with the registrar of motor vehicles a statement containing the name of the registered dealer, the number under which such dealer is registered, the name of the purchaser, and the location of the place of business so sold. Upon the filing of such statement, accompanied by a filing fee of One Dollar, the registrar of motor vehicles shall note upon the registration record such change of ownership. But no certificate of registration can be so transferred unless the entire business of the dealer holding such certificate of registration be sold and disposed of, and no such certificate of registration can be transferred to any person other than the purchaser of such business.

Not applicable to public owned vehicles.

'5. The provisions of this Act with respect to payment of registration fees shall not apply or be binding upon motor vehicles owned or controlled by the United States of America, or by any state, city or county; but in all other respects the provisions of this Act shall be applicable and binding upon cars so owned."

Section 2. The provisions of this Act with respect to the transmitting of registration fees to the county from which the registration fee came, shall apply to all such registration fees undivided and in the custody of the registrar of motor vehicles at the time of the passage and approval of this Act.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act will take effect and be in full force from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 89.

An Act Revising and Codifying the Banking Laws and Providing for the Incorporation and Regulation of State Banks and Trust and Investment Companies; Providing for the Regulation of Private Banks; the Maintenance of a State Banking Department, Creating a Fund to be Known as the State Examiner's Fund and Prescribing the Qualifications, Duties and Compensation of the State Superintendent of Banks, and of the Deputies and Employees of the Banking Department, and Prescribing a Method for the Liquidation of State Banks, Trust and Investment Companies, and Repealing Certain Sections of the Laws of Montana, Together with Acts Amendatory Thereof, and Providing Penalties for the Violations of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This Act shall be known as the "Bank Act" and shall be applicable to all corporations and persons specified in the next Section, and to such other corporations as shall subject themselves to special provisions and sections thereof, and to such other persons, co-partnerships, or corporations who shall by violating any of its provisions become subject to the penalties provided therein.

Bank act.

Section 2. **Institutions to Which Act Is Applicable.** The word "Bank", as used in this Act, shall be construed to mean any corporation which shall have been incorporated to conduct the business of receiving money on deposit, or transacting a trust or investment business as hereinafter defined. The soliciting, receiving, or accepting of money or its equivalent on deposit as a regular business, shall be deemed to be doing a commercial or savings bank business, whether such deposit is made subject to check or is evidenced by a certificate of deposit, a passbook, a note, or other receipt; provided, that nothing herein shall apply to or include money or its equivalent left in escrow, or left with an agent pend-

Applicable to what institutions.

ing investment in real estate or securities for or on account of his principal. It shall be unlawful for any corporation, partnership, firm, or individual to engage in or transact a banking business within this state, except by means of a corporation duly organized for such purpose. Banks are divided into the following classes:

Classes.

- (a) Commercial Banks,
- (b) Savings Banks,
- (c) Trust Companies,
- (d) Investment Companies,

provided, further, however, that this Act shall not apply to any person, firm or association now doing a private banking business; provided, however, that said private banks hereinabove referred to shall come under all of the provisions of this Act which may be fairly applicable thereto; provided further, however, that this Act shall not apply to any investment company or corporation, heretofore established under authority of the law of Montana, not accepting, receiving, and holding money on deposit.

Persons
necessary to
organize.

Section 3. Number of Persons Necessary to Form Corporation. Corporations may be formed by any number of natural persons not less than three under the laws of this State to conduct, as provided in this Act and not otherwise, any one, or more, or all of the businesses mentioned in the preceding Section.

Definitions.

Section 4. Definitions of Banks, Etc. Commercial Bank Defined. (a) The term "Commercial Bank", when used in this Act, means any bank authorized by law to receive deposits of money, deal in commercial paper, or to make loans thereon, and to lend money on real or personal property, and to discount bills, notes, or other commercial papers, and to buy and sell securities, gold and silver bullion, or foreign coins, or bills of exchange.

Commercial
bank.

Savings bank.

(b) **Savings Bank Defined.** The term "Savings Bank", when used in this Act, means a bank organized only for the purpose of accumulating and loaning the funds of its members, stockholders, and depositors, and which may loan and invest the funds thereof, receive deposits of money, loan, invest, and collect the same, with interest, and repay depositors with or without interest; with power to invest said funds and moneys in such property, securities, and obligations as may be prescribed by this Act: and to declare and pay dividends on

its general deposits, and a stipulated rate of interest on deposits made for a stated period, or upon special terms.

(c) **Trust Company Defined—Purposes for Which May Be Formed.** The term "Trust Company", when used in this Act, means any corporation which is incorporated under the laws of this State for any one or more of the following purposes:

Trust company.

1. To receive moneys in trust, and to accumulate the same at such rates of interest as may be obtained or agreed upon, or to allow such interest thereon as may be agreed upon.

Purposes.

2. To accept and execute all such trusts and perform such duties of every description as may be committed to them by any person or persons whatsoever, or by any corporations, or may be committed or transferred to them by order of any of the courts of record of this State, or any other State, or of the United States.

3. To take and accept by grant, assignment, transfer, devise, or bequest, and hold any real or personal estate or trust created in accordance with the laws of this State, or any other State, or of the United States, and execute such legal trusts in regard to the same on such terms as may be declared, established, or agreed upon in regard thereto.

4. To act as agent for the investment of money for other persons or corporations, and as agents for persons and corporations for the purpose of issuing, registering, transferring, or countersigning the certificates of stock, bonds, or other evidence of debt of any corporation, association, municipality, state, or public authority as may be agreed upon.

5. To accept from and execute trusts for married women in respect to their separate property, whether real or personal, and act as agents for them in the management of such property, and generally to have and exercise such powers as are usually had and exercised by trust companies.

6. To act as trustee, assignee, or receiver in all cases where it shall be lawful for any court of record, officer, corporation, or person to appoint a trustee, assignee, or receiver, and to be appointed a trustee, assignee, or receiver, and to be appointed, commissioned, and act as administrator of any estate, executor of any last will and

testament of any deceased person, and as guardian of the person and estate of any minor or minors, or of the estate of any lunatic, imbecile, spendthrift, habitual drunkard, or other persons disqualified or unable to manage their estates.

7. To loan money upon unencumbered real estate, collateral, or personal security, and execute and issue its notes, debentures, payable at a future date, and to pledge its mortgages upon real estate and other securities as security therefor.

8. To buy and sell government, state, county, municipal, and other bonds, and all kinds of negotiable, non-negotiable, and commercial paper, stocks, and other investment securities, buy and sell gold and silver bullion, foreign coins, bills of exchange, and foreign and domestic exchange.

9. To accept, receive, and hold money on deposit, payable either on time or on demand, with or without interest, as may be agreed upon with the depositors, and to take and receive from any individual or corporation on deposit for safe-keeping and storage, gold and silver plate, jewelry, stocks, and securities, and other valuable and personal property, and to collect coupons, interest, and dividends on said above described securities, and to rent out the use of safes and other receptacles on their premises upon such terms and for such compensation as may be agreed upon.

Investment
company.

(d) **Investment Company Defined — Purposes for Which May Be Formed.** The term "Investment Company", when used in this Act, means any corporation which is incorporated under the laws of this State for any one or more of the following purposes:

Purposes.

1. To receive moneys in trust, and to accumulate the same at such rates of interest as may be obtained or agreed upon, or to allow such interest as may be agreed upon, and to issue and sell its contracts or certificates of indebtedness directly or through an agent or broker, bearing fixed rates of interest, in whole or in part, which participation or non participation in the profits of the corporation, and maturing at fixed periods of time, or otherwise, as may be fully set forth in said contracts or certificates.

2. To buy and sell government, state, county, municipal, and other bonds, and all kinds of negotiable and non-negotiable and commercial paper, stocks, and other investment securities.

3. To accept, receive, and hold money on deposit, payable either on time or on demand, with or without interest, as may be agreed upon with depositors, and to collect coupons, interest, and dividends on said above described securities.

(e) **Unincorporated and Private Bank Defined.** The term "Unincorporated Bank" shall comprehend "Private Bank", and shall include every unincorporated person, firm or association transacting banking business in this State, and the term "Board of Directors" shall include the owner or owners of such banks.

Unincorporated and private bank defined.

Section 5. Definition of Words and Terms:

(a) The terms Capital, Capital Stock or Paid-in Capital means that fund for which Certificates of Stock are issued to stockholders in case of incorporated banks and that fund set aside and dedicated for capital purposes in case of private banks.

Definitions.
Capital.

(b) The term "Surplus" means a fund paid in or created pursuant to the provisions of this Act by a bank from its net earnings or undivided profits, which when set apart and designated as such, is not available for the payment of dividends and cannot be used for the payment of expenses or losses so long as such bank has undivided profits.

Surplus.

(c) The term "Undivided Profits" means the credit balance of the profit and loss account of any bank.

Undivided profits.

(d) The term "Profit and Loss Account" or "Profit and Loss" means that account carried on the books of the bank into which all earnings accounts and recoveries are closed, thus exhibiting "Gross Earnings" and against which all loss and other disbursement items are charged revealing "Net Earnings" which are then properly closed to "Undivided Profits Accounts" or "Undivided Profits", out of which dividends are paid and reserves set aside.

Profit and loss.

(e) The term "net earnings" means the excess of the gross earnings of any bank over expenses and losses chargeable against such earnings during any one year.

Net earnings.

Time deposits. (f) The term "Time Deposits" means all deposits, the payment of which cannot legally be required within thirty (30) days.

Demand deposits. (g) The term "Demand Deposits" means all deposits, the payment of which can legally be required when demanded.

Consolidate. Merge. (h) The words "Consolidate" and "Merge" shall be deemed to mean the same thing and may be so used interchangeably in this Act without loss of power.

Superintendent. (i) The word "Superintendent" wherever it appears in this Act shall be deemed to mean "Superintendent of Banks" or "State Superintendent of Banks" of the State of Montana.

Organization and incorporation. **Section 6. Organization and Incorporation. Articles of Agreement.** Any three or more persons, desiring to associate themselves together for the purpose of becoming a corporation to engage in any one or more or all of the businesses mentioned in this Act, shall sign and acknowledge, in the manner provided for the acknowledgment of deeds of real estate, articles of agreement, which shall set forth.

Articles of agreement.

Contents. 1. The corporate name of the proposed corporation which shall not be the name of any other corporation theretofore granted and then doing business of a similar character in this state, or any imitation of such name. Provided that it shall be lawful to use the name theretofore used by any corporation previously incorporated and doing business in the State of Montana, but which has been dis-incorporated, liquidated, dissolved and entirely out of business.

Name.

Place. 2. The name of the city or town and county in which the priniepal office of the corporation is to be located.

Capital stock. 3. The amount of the capital stock of the corporation; the number of shares into which it is to be divided, and the par value of such shares; the amount of capital stock actually subscribed in good faith at the time of the signing of such articles of agreement; and the amount of the capital stock actually paid up in lawful money of the United States, and in the custody of some banking institution designated as the depository thereof until the proposed corporation is fully organized and authorized to engage in business.

4. The names and places of residence of the several Shareholders.
shareholders, and the number of shares subscribed by
each.

5. The number of the Board of Directors, and the Directors.
names of those agreed upon for the first year.

6. The purpose for which the association or company Purpose.
is formed, which may be set forth by the use of the gen-
eral terms herein defined, with reference to each line of
business in which the proposed corporation desires to
engage.

Thereupon the articles of agreement shall be presented Presentment to
to the superintendent of banks, together with an appli- Superintendent
cation in writing in the form prescribed by the superin- of Banks.
tendent of banks for a certificate authorizing the pro-
posed corporation to transact within this State the busi-
ness specified therein. Upon the presentation of the ar-
ticles of agreement, together with such application, the
superintendent of banks shall examine or cause an ex- Examination.
amination to be made in order to ascertain whether the
requisite capital of such bank has been subscribed and
been paid up in cash. He shall also determine whether
the corporation is being formed for any other than the
legitimate business contemplated by this Act, or whether
the public convenience and advantage will be promoted
by the opening of such bank, and whether the corporate
name assumed by such bank, by reason of the use by it
of any one or more of the words "Commercial", "Trust",
"Savings", or "Investment", in conjunction with any
other word or words, resembles so closely as to be likely
to cause confusion, the name of any other bank previously
formed under this Act. He shall also ascertain from the
best sources of information at his command whether the
character and general fitness of the persons named as
stockholders are such as to command the confidence of
the community in which such bank is proposed to be
located. The expenses of the Superintendent of Banks
in making the examination required by this Act shall be
paid by the proposed bank, and payment shall be made
in advance if required by the Superintendent of Banks.

If the Superintendent of Banks shall not be satisfied Refusal.
with the result of his investigation, he shall refuse the
application within sixty (60) days after the articles of
agreement and the application have been presented to

him, and so notify the incorporators named therein. If the Superintendent of Banks shall be satisfied with the result of his investigation, he shall, within sixty (60) days after such application has been made to him, issue under his hand and official seal the certificate of authorization, required by this Act, in duplicate. The articles of agreement, together with one of such certificates of authorization, so issued, by the Superintendent of Banks, shall be filed in the office of the clerk and recorder of the county in which is located the principal place of business of the proposed bank, and a certified copy of the articles of agreement, together with the other certificate of authorization issued by the Superintendent of Banks, shall be filed with the Secretary of State. Upon filing with the Secretary of State, the articles of agreement, and the certificate of authorization, and paying the fee required for the filing of articles of incorporation, the Secretary of State shall issue a certificate setting forth that such corporation has been duly organized, the amount of its authorized and subscribed capital, and the business in which it is to engage; and such certificate shall be taken by all courts of this State as evidence of the corporate existence of such bank. The person so signing and acknowledging the articles of agreement, and their associates and successors, shall thereupon become and be a body corporate with power of continual succession, and by such name they and their successors shall be entitled to have, possess, and enjoy all the rights and privileges conferred by this Act. Provided, that any bank, trust company or investment company now existing, may at any time, within the period limited for its duration, elect to avail itself of the right of continual succession herein given, by filing its intention so to do in the office of the County Clerk and Recorder of the County wherein such corporation is located and a copy thereof with the Secretary of State, by paying the legal filing fees therefor. No such corporation shall be allowed to increase its capital stock by such filing without complying with the provisions of this Act and paying the legal filing fees as in such cases otherwise provided.

Certificate of
authorization.

Filing.

Effect of
certificate.

Rejection
effect of.

Section 7. Rejection of Certificate by Superintendent of Banks Conclusive. In the event the application for a certificate of authorization shall be refused by the Superintendent of Banks, such action shall be final and conclusive.

Section 8. **Amount of Capital.** The amount of the capital stock of a commercial bank shall not be less than Twenty-five Thousand Dollars (\$25,000.00) and in addition thereto there shall be created a surplus of not less than ten per cent (10%) of the amount of the capital stock of said bank, which said surplus and capital stock shall be paid up in cash and deposited with some bank or banks at the time the application is made to the Superintendent of Banks for the certificate of authorization hereinabove mentioned.

Amount of capital.

That a commercial bank having its place of business in a city or town of more than two thousand (2,000) and less than three thousand (3,000) inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less than Thirty-five Thousand Dollars (\$35,000.00), and a surplus of ten per cent (10%) of the capital stock as hereinbefore provided; that a commercial bank having its place of business in a city or town of more than three thousand (3,000) and less than four thousand (4,000) inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less than Forty Thousand Dollars (\$40,000.00) and a surplus of ten per cent (10%) of the capital stock as hereinbefore provided; that a commercial bank having its place of business in a city or town of more than four thousand (4,000) and less than six thousand (6,000) inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less than Fifty Thousand Dollars (\$50,000.00) and a surplus of ten per cent (10%) of the capital stock as hereinbefore provided; that a commercial bank having its place of business in a city or town of more than six thousand (6,000) and less than ten thousand (10,000) inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less than Seventy-five Thousand Dollars (\$75,000.00) and a surplus of ten per cent of the capital stock as hereinbefore provided; that a commercial bank having its place of business in a city or town of more than ten thousand (10,000) inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less than One Hundred Thousand Dollars (\$100,000.00) and a surplus of ten per cent (10%) of the capital stock as hereinbefore provided.

How fixed or classifications.

Capital stock
of savings
bank, trust co.
or investment
company how
fixed.

The amount of the capital stock of a savings bank, trust company, or investment company shall be fixed and limited by the articles of agreement, and shall be not less than One Hundred Thousand Dollars (\$100,000.00) nor more than Ten Million Dollars (\$10,000,000.00), of which amount at least One Hundred Thousand Dollars (\$100,000.00) must be subscribed and fully paid up in cash and on deposit with some bank or banks in this State when the application is made to the Superintendent of Banks for the certificate of authorization hereinabove mentioned. The remainder of the authorized capital stock may be subscribed and paid in at such times and under such regulations as the Board of Directors of such corporation may determine. The shares of the capital stock of all banks shall have a par value of One Hundred Dollars (\$100.00). No bank shall have preferred stock; provided that this Act shall not require any bank in existence and doing business to increase its capital stock.

First meeting.

Section 9. Calling of First Meeting. When the formation of the corporation is completed under the provisions of this Act by the issuance of the certificate of incorporation by the Secretary of State, any three such incorporators signing the articles of agreement, may call the first meeting of the corporation at such time and place as they may appoint by giving notice thereof by publication in some newspaper of general circulation in the county in which the principal office for the transaction of business is to be located, at least five (5) days before the time appointed for such meeting. If all the subscribers to the capital stock unite in a call for such meeting, in writing, no notice is necessary. If the first meeting be not called within thirty (30) days from the date of the certificate of incorporation, or if such corporation shall fail to commence the business for which it is incorporated within ninety (90) days from the date of the issuance of the certificate of authorization, the Superintendent of Banks is authorized to cancel such certificate of authorization.

Board of
directors.

Section 10. Board of Directors—Qualifications, Tenure, and Vacancies. The affairs of the bank shall be managed by a Board of Directors, not less than three or more than eleven in number, all of whom shall be stockholders of such bank and citizens of the United States, and of whom at least three-fourths ($\frac{3}{4}$) must be residents of the State of Montana. No person who shall

have been convicted of a crime against the Banking Laws of the United States or of any State of the Union shall be elected a director. The Directors shall be elected for a term of one year at the annual meeting of the stockholders, which shall be held on the second Tuesday in January of each year. In case the election shall not be made on the day fixed for the annual meeting, the corporation shall not thereby be dissolved, but an election may be had at any other time agreeable to the by-laws of the corporation, and the persons so elected shall hold their office until the second Tuesday in January following, or until others are elected and qualified. In case of death or resignation of one or more of said directors, the vacancy shall be filled by the Board, and the Directors so appointed shall hold office until the next annual election, at which time a Director shall be elected to fill out the unexpired term. Every Director shall take and subscribe an oath that he will diligently and honestly perform his duty in such office, and will not knowingly violate or permit a violation of any of the provisions of this Act; that he is the owner in good faith of the required number of shares of stock in the bank standing in his name on the books of the bank. Such oaths shall be made in duplicate, one copy of which shall be transmitted to the Superintendent of Banks and filed in his office, and one copy shall be kept on file in the office of the bank.

Qualifications.

Tenure of office.

Vacancies.

Section 11. Director Must Own Not Less Than One Thousand Dollars in Stock. No person shall be eligible for election as Director of a bank unless he is a stockholder of the bank, owning in his own right shares thereof of the par value of at least One Thousand Dollars (\$1,000.00), and every person elected to be a Director, who, after such election shall cease to be the owner in his own right of the amount of such stock aforesaid, or shall hypothecate or in any way pledge such stock as security for any loan or debt, shall immediately notify the Superintendent of Banks of such sale or hypothecation, and such Director may be removed from the office of Director by the Superintendent of Banks, unless such disability be removed by the acquisition of other shares of stock or release of such pledge within the time prescribed by the Superintendent of Banks.

Directors limit of least stock.

Section 12. Selection of Officers and Employees—Meetings and Minutes Thereof. The Board of Directors

Selection of officers and employees.

shall have power to elect a president, one or more vice-presidents, cashier, and one or more assistant cashiers, and such other officers and employees as they may from time to time deem to be to the best interest of the bank, and fix their compensation. The president and at least one vice-president shall be chosen from the Board of Directors. The Board of Directors shall also elect a Secretary, who shall keep a correct report of the meetings of the Board and of the stockholders in a book kept for that purpose, which minutes shall particularly disclose the date of the meetings and the names of the Directors or stockholders present. This record of the meetings of the Board of Directors shall be subscribed to by the presiding officer and secretary. Such minutes shall be read and approved at the next succeeding meeting of the Board of Directors, and the minutes of such next succeeding meeting shall show such fact. Such minute-book shall be kept in the office of the bank at all times, and shall be presented to the Examiner at the time of his examination of the books, and it shall be the duty of such Examiner to include in his report of examination of such bank a statement of the dates on which such meetings were held since the last examination of such bank by the Examiner, and the names of the Directors in attendance at each of said meetings. The Board of Directors of a bank must hold a meeting at least once a month. Any person who shall make a false entry in said book, or who shall change or alter any entry made therein, shall be deemed guilty of a misdemeanor.

Meetings and
minutes thereof.

Time.

By-laws.

Section 13. **By-Laws.** The persons signing the articles of agreement shall, at their first meeting, adopt by-laws for the government of the corporation, which by-laws may provide for:

Provisions of.

1. The time, place, and manner of calling and conducting the meetings of the corporation;
2. The number of stockholders constituting a quorum;
3. The mode of voting by proxy;
4. The time of the annual election of Directors, and the mode and manner of giving notice thereof;
5. The duties of officers;
6. The manner of election and the tenure of office of all officers other than the Directors.

7. Suitable penalties for violation of by-laws, not exceeding in any case one hundred dollars (\$100.00) for any one offense.

The by-laws adopted must be certified to by a majority of the Directors and the secretary of the corporation, and recorded in the book of by-laws, which said book shall be open to the inspection of the public during the office hours of each day, except holidays. A copy of the by-laws shall also be transmitted to the Superintendent of Banks. The by-laws may be repealed or amended, or new by-laws be adopted, at the annual meetings, or at any other meeting of the stockholders called for that purpose by the directors, by a vote representing two-thirds (2-3) of the subscribed stock, or the power to repeal and amend the by-laws and adopt new by-laws may, by a similar vote at the first meeting or any annual meeting, be delegated to the Board of Directors.

Certified.

Superintendent
of Banks.

Section 14. Increase or Diminution of Capital Stock—Authorized. Any bank now organized and existing, and which may hereafter be organized, may increase or diminish its capital stock by complying with the provisions of this Act, to any amount which may be deemed sufficient and proper for its purposes within the limits prescribed by this Act.

Increase or
diminution of
capital stock.

Section 15. Change of Corporate Name Authorized. The corporate name of any bank now organized and existing, or which may hereafter be organized, may be altered, changed, or amended as in this Act provided.

Change of name.

Section 16. Change of Place of Business and Number of Directors Authorized. Every bank now organized and existing, or which may hereafter be organized, may, upon approval of the Superintendent of Banks, change its principal place of business from one place to another, in the same county, or in an adjacent county, within this State, and may increase or diminish the number of trustees or directors in the manner hereinafter provided.

Change of
place and
no. of directors.

Section 17. Procedure for Carrying Into Effect the Three Foregoing Sections. Whenever any bank shall decide to call a meeting of the stockholders for the purpose of increasing or diminishing the amount of its capital stock, or for changing its corporate name, or for changing its principal place of business, it shall be the duties of the trustees or directors to publish a notice signed by at least a majority of them in a newspaper in the county,

Procedure.

if any shall be published therein, six successive weeks, and to deposit a written or printed copy thereof in the postoffice, addressed to each stockholder at his usual place of residence at least six weeks previous to the day of meeting, specifying the object of meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital, or the name to which it is proposed that the bank shall be changed, or to the new location or place to which the principal place of business shall be changed, and a vote of at least two-thirds (2-3) of all of the shares of stock shall be necessary for an increase or diminution of the amount of its capital stock, or to change its corporate name, or to change its principal place of business.

Certificate of
proceedings.

Section 18. Certificate of Proceedings—Contents and Effect. If, at the time and place specified in the notice provided for in the last preceding section, the stockholders shall appear in person or by proxy representing not less than two-thirds (2-3) of all the shares of stock of the corporation, and shall organize by choosing one of the trustees or directors chairman of the meeting, and also a suitable person for secretary and proceed to a vote of those present in person or by proxy, and if, on counting the votes, it shall appear that two-thirds (2-3) of the number of votes representing all the capital stock have been cast in favor of increasing or diminishing the amount of capital stock, or of changing its corporate name, or of changing its principal place of business, a certificate of the proceedings showing a compliance with the provisions of this Act, the amount of capital stock actually paid in, the whole amount of debts and liabilities of the corporation, the amount to which the capital stock shall be increased or diminished, or the change in the corporate name of the corporation, or the change in the principal place of business, shall be made out, signed, and verified by the affidavit of the chairman, and be countersigned by the secretary, and such certificate shall be acknowledged by the chairman. Said certificate shall then be sent to the Superintendent of Banks, who shall within thirty (30) days of the receipt thereof, either approve or reject the application for change. The action of the Superintendent of Banks on said application shall be final. If he approves the same he shall notify the bank whereupon the certificate shall be filed in the office of the County Clerk and Recorder of the County wherein

Contents and
effect of.

Superintendent
to approve
certificate.

the bank is located and in the office of the Secretary of State. Upon such filing the change shall be effective.

Section 19. **Change of Board by Directors.** A state bank may increase or diminish the number of its directors at any regular annual meeting of the stockholders of said bank, provided that the number of directors shall not at any time be less than three (3) nor more than eleven (11). The matter of changing the number of directors may be submitted to any annual meeting of the stockholders without special notice and if two-thirds (2-3) of the total number of shares of the bank shall vote in favor of such change, the result of the vote on the proposal to change, shall be certified to the State Superintendent of Banks for his approval or disapproval. If he shall approve the proposed change and signify the same in writing, the change shall then be effective, but if he shall disapprove the proposition to make said change, his action will be final and conclusive. In case the State Superintendent of Banks shall approve of a change to increase or diminish the number of Directors and shall so notify the officers of the bank the order of approval shall be filed with the records and papers of said bank, and the number of Directors shall from the date of said approval by the Superintendent of Banks, be in accordance with the vote of the stockholders as herein provided. In any event the Superintendent of Banks must, within thirty (30) days from the receipt of any application, notify the officers of the bank in writing of his action upon the application.

Change of
board of
directors.

Superintendent
of Banks to
approve.

Notice of
action.

Section 20. **Dissolution and Disincorporation.** Commercial banks, savings banks, trust companies and investment companies now organized and existing, or which may be hereafter organized, may be dissolved in the manner provided by the laws of Montana applicable to the dissolution of other corporations, except it shall be legal for any bank, upon a vote of two-thirds (2-3) of its stockholders at a special meeting called for that purpose in accordance with the by-laws of the Bank, to voluntarily quit business and liquidate upon the payment of its debts, exclusive of liability to stockholders, or upon agreement with all of its creditors to a plan of liquidation. Any agreement made with creditors which does not contemplate the immediate payment thereof shall be subject to the approval of the State Superintendent of Banks, but nothing in this Section contained shall pre-

Dissolution and
Disincorpora-
tion.

vent the Superintendent from taking charge of any bank at any time when in his opinion the interests of creditors or stockholders are not being protected. The decision of the Superintendent of Banks in said matter to be controlling.

Stockholders
liability.

Section 21. **Stockholders' Liability.** The stockholders of every bank shall be severally and individually liable, equally and ratably, and not one for the other, for all contracts, debts, and engagements of such corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares. No person holding stock as executor, administrator, guardian, or trustee, and no person holding such stock as a pledge or collateral security, shall be personally subject to any liability as stockholders in such corporation; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian, or trustee, shall be liable in like manner and to the same extent as the testator, intestate, ward, or the person interested in such trust fund would have been liable if he had been living or competent to act and hold the stock in his own name.

Six month
limitation for
transfer.

The stockholders in any bank who shall have transferred their shares or registered the transfer thereof, within six (6) months last before the failure of said bank to meet its obligations, or with knowledge of such impending failure, shall be liable to the same extent, as if they had made no such transfer to the extent that the subsequent transferee fails to meet such liability; but this provision shall not be construed to affect in any way recourse which such stockholder might otherwise have against those in whose name such shares are registered at the time of such failure.

When action to
collect must
be taken.

At any time after taking possession of a bank for the purpose of liquidation, the liquidating officer, duly qualified under the laws, as soon as he ascertains that the assets of such bank will be insufficient to pay its debts and liabilities may proceed to collect and enforce the stockholders' liability. For that purpose he may institute and maintain, in his own name as such liquidating officer appropriate suits or actions in any State or Federal Court of competent jurisdiction. He may receive and receipt for moneys received on account of stock-

Suits.

holders' liability and any money so paid to the liquidating officer by a stockholder in whole or partial satisfaction of his liability, shall not be deemed paid voluntarily, but shall give the stockholder the same protection to the extent of the amount paid as if the payments were made after suit by creditor or liquidating officer. The liquidating officer is authorized by and with the consent of the Court having jurisdiction of such liquidation to compromise, settle and compound claims for stockholders' liability and such settlements and compromises when approved by the Court shall be legal and binding upon all parties concerned, including creditors.

Power to compromise.

All sums collected by a liquidating officer on account of stockholders' liability, either received from voluntary payments or collected by suits, settlements or compromises, shall be distributed to the creditors of the bank according to their several rights in the same proportion as the amount of a given claim of a creditor bears to the amount of the claims of all creditors, and without regard to the rank or class or character of claims and without diminution, except that the said liquidating officer may deduct from amounts collected, the Court costs or attorney's fees and other expenses incurred by him in the prosecution of any action for the collection thereof.

Disposition of collections.

The liquidating officer of a bank shall have the power to decide when the assets of a failed bank are not sufficient to pay the debts, contracts, engagements and liabilities and he may determine the question of the time when and the Court where necessary suits shall be instituted subject to the general provisions of law governing venue and place of trial. For the purposes of this Section the term "Liquidating Officer" shall be held to include every person legally empowered to liquidate the business and affairs of a State Bank whether the same be by Superintendent of Banks, his deputies and agents and also all receivers of State Banks now or hereafter qualified to liquidate a State Bank under any law of Montana.

Power of "liquidating officer."

Section 22. Transfer of Shares of Stock. The delivery of a certificate of stock to a bona fide purchaser or pledgee for value, together with a written transfer of the same, or a written power of attorney to sell, assign, and transfer the same, signed by the owner of the certificate, shall be a sufficient delivery to transfer the title as against the creditors of the transferer and subse-

Transfer of shares of stock.

What is sufficient delivery.

quent purchasers; but no such transfer shall affect the right of the corporation to pay any dividend due upon the stock, or treat the holder of record as the holder in fact, until such transfer is recorded upon the books of the corporation, or a new certificate issued to the person to whom it has been transferred.

Elections how
conducted.

Section 23. Elections—How Conducted. All elections must be by ballot, and every stockholder shall have the right to vote in person or by proxy the number of shares standing in his name for as many persons as there are directors to be elected, or to cumulate said shares and give one candidate as many votes as the number of Directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit. The Board of Directors may prescribe the form and manner of executing proxies. The shares of stock of an estate of a minor, or of a person of unsound mind, may be represented and voted by his guardian, and of a deceased person by his executor or administrator, and every person who shall pledge his stock may nevertheless represent and vote the same at all meetings, unless the pledgor appoints the pledges as a proxy in accordance with the by-laws of the company. The Board of Directors may provide for the closing of the stock books of the company for such length of time prior to the annual election as may be by it deemed convenient for the making up of the lists of the stockholders. Any regular or called meeting of the stockholders may adjourn from day to day or from time to time, if for any reason, there is not present a quorum or no election is had, such adjournment and the reasons therefor being recorded in the minutes of said meeting. All elections and other actions at meetings of stockholders or directors shall be conducted in accordance with the laws of the State of Montana governing corporations in general, except as herein otherwise specially provided.

Investment of
capital of
savings banks.

Section 24. Investment of Capital of Savings Banks. At least one-half of the paid in capital of a savings bank, and one-half of the whole amount deposited therein, must be invested in bonds or other securities of the United States, or any of the States of the United States, or any county, city, town or school district of this State, on which interest is regularly payable, or Federal Land Bank Bonds or loaned on unencumbered real estate worth

What
securities.

at least double the amount to be secured. The remainder may be invested in the aforesaid character of securites, or in approved personal securities, but no loan must be made on personal securities of less than two responsible persons, or collateral security to be approved by the directors, and no loan upon personal security shall be made to any one person or co-partnership to an amount exceeding ten thousand dollars. No president, vice-president, director or other officer or servant of a savings bank shall directly or indirectly borrow any of the funds of such bank or of its deposits, or in any manner use the same in his private affairs or business, nor shall any director receive any pay, salary, or emolument until such interest as the Directors shall have determined to allow depositors shall have been provided for in accordance with the regulations of the corporation.

Private loans
to officers, etc.

The real estate which such corporation may lawfully purchase, hold and convey is:

Real estate
holdings
limited.

1. Such as may be necessary for the proper transaction of its business, not exceeding in value fifty thousand dollars.

2. Such as is mortgaged to it in good faith for moneys loaned in pursuance of the provisions of this Act, or given as security for money loaned or advanced.

3. Such as is purchased at the sale on judgment or decree obtained or rendered on money so loaned or advanced.

Savings banks organized under the provisions of this Act must not purchase, hold, or convey real estate in any other case, or for any other purpose than herein specified, and shall not buy or sell any personal property, except such as may be necessary for the proper transaction of its business, or such as may have been pledged, mortgaged, or assigned to it to secure moneys loaned or advanced; provided, the term "Savings Bank" as used in this Section, shall mean any bank organized to do the business specified in sub-division (b) of Sec. 4 of this Act.

Section 25. Real Estate Which Banks May Purchase, Hold or Convey. Banks organized under the provisions of this act may purchase, hold, or convey real estate as follows:

What real
estate can be
purchased, held
and conveyed.

1. Such as is necessary for the proper transaction of its business, but it shall not invest an amount exceeding

fifty per cent of its paid-up capital and surplus in the lot and building in which the business of the company is carried on, furniture and fixtures, vaults and safety vaults, and boxes necessary or proper to carry on its banking business.

2. Such as is mortgaged to it in good faith by way of security for loans previously made by or moneys due to the corporations.

3. Such as is conveyed to it in satisfaction of debts previously contracted in the course of its business.

4. Such as it purchases at sales under judgments, decrees, or mortgages held by the company.

Real estate acquired in the manner set forth in subdivisions 3 and 4 hereof shall not be held longer than period of five years from the date of acquisition, unless special written permission to do so be granted by the Superintendent of Banks. Said real estate to be carried on the books of the bank for an amount not greater than the cost thereof to the bank, including costs of foreclosure and other expenses of acquiring title.

Trust
companies

Powers.

Investment of
capital.

Section 26. **Trust Companies—Dealing in Property and Investment of Capital.** Trust and investment companies may lease, purchase, hold, and convey all such real or personal property as may be necessary to carry on their authorized business, as well as such real or personal property as the board of directors may deem necessary to acquire in the enforcement or settlement of any claims or demands arising out of business transactions, and may execute and issue, in the transaction of their business, all necessary receipts, certificates, and contracts. The board of directors of any such corporation is authorized to invest the capital and assets of said corporation, and keep the same invested, in securities to be approved by the said board, and it shall be lawful for the board to make such investments of its capital and assets, and of the funds accumulated by its business, including money, deposits, or any part thereof, in negotiable or non-negotiable notes or bonds, mortgages on unencumbered real estate, stocks and bonds of corporations, or bonds and warrants of any county, city, town or school district of this state, or any other state of the United States, legally authorized to issue the same, or bonds or obligations of the United States.

Section 27. **Limitation of Loan on Real Estate.** No commercial bank shall, except for the purpose of facilitating the sale of property owned by the bank, make any loan on the security of real estate, unless it is a first lien and does not exceed fifty per centum of the market value of the real estate taken as security.

Limitations
of real estate
loans.

No commercial bank shall loan in the aggregate more than twenty-five per centum of its assets on real estate loans of the character specified in this section, nor shall any such loan be made for a longer time than five years.

Commercial
bank's limit.

These provisions, however, shall not prevent any bank from taking another and immediately subsequent mortgage or deed of trust when it already holds a first mortgage or deed of trust thereon on such real estate, nor from accepting a second lien on real estate to secure the re-payment of a debt previously contracted in good faith; nor shall it prevent subsequent liens of any kind from being taken to secure the payment of a debt previously contracted in good faith, when, in the judgment of the directors of such bank, such subsequent liens are necessary further to secure the payment of any debts and save such bank from loss; provided, the term "commercial bank" as used in this section, shall mean a bank organized to do the business specified in Section 4 of this Act, only.

Proviso.

Section 28. **Banks Empowered to Join Federal Reserve Bank.** Any bank is hereby authorized and empowered to join or associate itself with the Federal Reserve Bank, or any branch thereof, and nothing herein contained shall prevent or prohibit any bank from joining or associating itself with any such Banks or branch thereof, or from investing any part of its capital or surplus in the stock of such Bank, in accordance with the terms and provisions of the act of Congress creating such association. Any bank joining or associating itself with such Bank shall be permitted to conform to and transact its business in accordance with the terms and provisions of the act of Congress creating the same, and the rules and regulations of such Federal Reserve Bank.

Joining
Federal reserve
or branch
banks.

Section 29. **Business Prohibited Unless Under Superintendent of Banks.** No person, firm, company, co-partnership, or corporation, either domestic or foreign, not subject to the supervision of the superintendent of banks, and not required by the provisions of this act to report to

Supervision of
Superintendent
of Banks
necessary.

him, and which has not received a certificate to do a banking business from the Superintendent of Banks, shall advertise that he or it is receiving or accepting money or savings for deposit, investment, or otherwise, and issuing notes or certificates of deposit therefor, or shall make use of any office sign, at the place where such business is transacted, having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank or trust company, or that deposits are received there or payments made on check, or any other form of banking business, transacted, nor shall any such person, or persons, firm, company, co-partnership, or corporation, domestic or foreign, make use of or circulate any letter-heads, bill-heads, blank notes, blank receipts, certificates, or circulars, or any written or printed or partly written and partly printed paper, whatever, having thereon any artificial or corporate name of other word or words indicating that such business is the business of a bank, savings bank, or trust or investment company; nor shall any such person, firm, company, co-partnership, or corporation, or any agent of a foreign corporation, not having an established place of business in the state, solicit or receive deposits or transact business in the way or manner of a bank, savings bank, trust or investment company, or in such a way or manner as to lead the public to believe that its business is that of a bank, savings bank, trust, or investment company. Nor shall any person, firm, company, co-partnership, or corporation, domestic or foreign, not subject to the supervision of the Superintendent of Banks, and not required by the provisions of this act to report to him, and which has not received from the Superintendent of Banks a certificate to do a banking business, hereafter transact business under any name or title which contains the word "bank", "banker", "banking", "savings bank", "saving", "trust", "trustee", "trust company", or "investment company". Any person, firm, company, copartnership, or corporation, domestic or foreign, violating any provision of this section shall forfeit to the State one hundred dollars a day for every day or part thereof during which such violation continues. Upon action brought by the Superintendent of Banks, the court may issue an injunction restraining any such person, firm, company, co-partnership, or corporation from further using such words in violation of the provisions of this section, or from further transacting business in such a way or man-

Injunction
restraining
operations.

ner as to lead the public to believe that its business is that of a bank, savings bank, trust, or investment company, during the pendency of such action, and for all time, and may make such other order or decree as equity and justice may require.

Section 30. Capital stock to Be Paid Up—Superintendent of Banks. Every person, firm, company, co-partnership, or corporation, domestic or foreign, advertising that he or it is receiving or accepting money or savings, and issuing notes or certificates of deposit therefor, or advertising that he or it is transacting the business of a bank, savings bank, or trust company, or making the use of any office sign at the place where such business is transacted, having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank, savings bank, or trust company, or that deposits are received there or payments made on check or that interest is paid on deposits, or that certificates of deposit, either with or without interest, are being issued or that any other form of banking business is transacted, and every person, firm, company, co-partnership or corporation, domestic or foreign, making use of or circulating any letter-heads, bill-heads, blank notes, blank receipts, certificates, or circulars, or any written or printed, or partly written and partly printed paper whatever, having thereon any artificial or corporate name, or advertising that such business is the business of a bank, savings bank, or trust company, must have the proper capital stock paid in and set aside for the purpose of transacting such business, and must have received from the Superintendent of Banks, as provided for in this act, a certificate to do a banking business. Any person, firm, company, co-partnership, or corporation, domestic or foreign, violating any provision of this section shall forfeit to the state one hundred dollars a day for every day or part thereof during which such violation continues. Upon action brought by the Superintendent of Banks, the court may issue an injunction restraining any such person, firm, company, co-partnership, or corporation from further violating any provision of this section, and may make such further order or decree as equity and justice may require. Every person, firm, company, co-partnership, or corporation doing any of the things or transacting any of the business defined in this section, must transact such business according to the provisions of the bank act, and the Superintendent of

Capital stock
must be
paid in.

Application of
bank act and
Superintendent
of Banks.

Banks or his deputy or examiners, shall have authority to examine the accounts, books, papers, cash, and credits of every such person, firm, company, co-partnership, or corporation, domestic or foreign, in order to ascertain whether such person, firm, company, co-partnership or corporation has violated or is violating any provisions of this section.

Foreign
corporations
powers and
duties.

Section 31. Foreign Corporations. Any corporation organized under the laws of any country or state other than this state, which has complied with all of the laws of this state pertaining to foreign corporations and is not engaged in the business of banking or receiving money on deposit in this state, may lend money in this state, and, for that purpose, may maintain offices in this state, and sue and be sued in this state under its proper corporate name, notwithstanding any prohibitions contained in this act as to the use of any words in the name, sign, or advertising matter of corporations not under the supervision of the Superintendent of Banks.

Advertisement
must show
stock paid up.

Section 32. Advertisement of Capital Must State Amount Paid In. No bank, or officer thereof, shall advertise in any manner, or publish any statement of the capital authorized or subscribed, unless it or he advertise and publish in connection therewith, the amount of capital actually paid up. No bank shall publish a statement of its resources or liabilities in connection with those of any other bank, unless such statement shall show the resources and liabilities of each bank separately.

Record of
stockholders
and stock
held by each.

Section 33. Keeping of Book With List of Stockholders. Every bank shall keep in its offices, in a place accessible to the stockholders, depositors, and creditors thereof, and for their use, a book containing a list of stockholders in such corporation, and the number of shares of stock held by each.

Dividends.

Section 34. Dividends, Surplus, Losses and Bad Debts. The directors of any bank may, at certain times and in such manner as its by-laws prescribe, declare and pay dividends to the stockholders of so much of the net undivided profits of the banks as may be appropriated for that purpose, but every bank shall, before declaring any such dividend, carry at least twenty-five per cent of its net earnings for the period covered by the dividend, to its surplus, until such surplus shall amount to fifty per centum of its paid-up capital stock. The whole or any

part of such surplus may at any time be converted into paid-in capital and in such event the surplus shall be restored in the manner above provided until it amounts to 50 per cent of the aggregate paid-up capital stock. A larger surplus may be created and nothing herein contained shall be construed as prohibitory thereof. Provided, however, that no such dividend shall be declared or paid, while there shall remain among the ledger assets of the bank, any item which shall properly be classified as a bad debt.

Under the terms of this Section and before any dividend can be paid, all debts due a bank on which the interest is past due and unpaid for a period of twelve months after maturity, unless the same be well secured, or in legal process of collection, and all judgments held by the bank after two years from the date of rendition, exclusive of time consumed in appeal, unless payments have been made, shall be considered bad debts. Such bad debts as hereinbefore defined, shall be charged off the books of such bank before any dividend is declared.

Bad debts.

Losses sustained by a bank in excess of its undivided profits, may be charged to and paid from the surplus, in which event such surplus shall be restored in the manner above provided, to the amount required by this Act.

Losses.

Section 35. **Safe Deposit Department.** Any bank may conduct a safe deposit department, but shall not invest more than one-tenth of its capital and surplus in such safe deposit department. The liability of any bank for the safe keeping and protection of the contents of safety deposit boxes shall be determined by the contract endorsed on the receipt delivered to the renter of said box at the time of the rental, but in any event the obligation of the bank shall be limited to the exercise of ordinary diligence and care to protect the contents of the box from loss or damage by fire, theft or other causes.

Safe deposit department.

Section 36. **Purchase or Loan of Own Capital Stock Prohibited.** No bank shall purchase or invest its capital or surplus, or money of its depositors, or any part of either, in shares of its own capital stock; nor loan its capital or surplus, or the money of its depositors, or any part of either, on shares of its own capital stock, unless such purchase or loan shall be necessary to prevent loss to such bank on debts previously contracted in good faith. Every person or corporation violating any pro-

Purchasing or loaning its own stock prohibited.

vision of this section shall forfeit to the state twice the nominal amount of such stock.

Officer
prohibited from
selling
securities to
bank.

Section 37. Sale of Securities by Officer to Bank. No director, officer, employee, or controlling stockholder of any bank, shall, directly or indirectly, for his own account, for himself, or as the partner or agent of others, sell or transfer, or cause to be sold or transferred, to the bank of which he is a director, officer, employee, or controlling stockholder, any note or bond secured by any mortgage or trust deed on real estate, or any contract arising from the sale of real estate, in which such director, officer, employee, or controlling stockholder is personally or financially interested, without a vote of the majority of the board of such bank, duly noted upon the minutes of the meeting at which such transaction is decided upon, which minutes shall be signed by a majority of the board. Any director, officer, employee, or controlling stockholder of any bank who knowingly violates or consents to the violation of this provision shall be guilty of a felony.

Limit of
bond issue.

Section 38. Limit on Amount of Bond Issue. No commercial bank shall purchase, agree to purchase, or underwrite any bond issue in excess of ten per centum of its assets, except bonds of the United States, of the State of Montana, of the cities, towns, counties, or school districts of this State.

Disposition of
acquired stock.

Section 39. Disposition of Acquired Stock. No commercial or savings bank shall purchase or invest its capital or surplus, or money of its depositors, or any part of either, in the capital stock of any corporation, unless the purchase or acquisition of such capital stock shall be necessary to prevent loss to the bank on a debt previously contracted in good faith. Any capital stock so purchased or acquired shall be sold by such bank within six months thereafter, if it can be sold for the amount of the claim of such bank against it; and all capital stock thus purchased or acquired must be sold for the best price obtainable by said bank within one year after such purchase or acquisition. Every person or corporation violating any provision of this section shall forfeit to the state twice the nominal amount of such stock.

Section 40. Obtaining Property by Fraud—False Report—Refusal to Permit Inspection of Books. A director, officer, agent, or employee of any bank who

1. Knowingly receives or possesses himself of any of its property, otherwise than in payment for a just demand, and with intent to defraud, omits to make or to cause or direct to be made a full and true entry thereof in its books and account; or,

Receiving
property
fraudulently.

2. Concurs in omitting to make any material entry thereof; or,

3. Knowingly concurs in making or publishing any written report, exhibit, or statement of its affairs or pecuniary condition, containing any material statement which is false; or,

False
reports.

4. Having the custody or control of its books, wilfully refused or neglects to make any proper entry in the books of such corporation as required by law, or to exhibit, or allow the same to be inspected and extracts to be taken therefrom by the Superintendent of Banks, his chief deputy, or any of his examiners, shall be guilty of a felony.

Refusal to
permit inspection
of books.

Section 41. Overdraft by Officer or Employee—Receiving Personal Profit From Loan. Any officer, director, agent, teller, clerk or employee of any bank who either,

Overdraft by
officer or
employee.

1. Knowingly overdraws his account with such bank, and thereby obtains the money, notes, or funds of any such bank; or,

2. Asks or receives, or consents or agrees to receive, any commission, any premium on insurance, emolument, gratuity, or reward, or any money, property, or thing of value for his own personal benefit or of personal advantage, for procuring or endeavoring to procure for any person, firm, or corporation any loan from, or the purchase or discount of any paper, note, draft, check, or bill of exchange, by such bank, or for authorizing and permitting any person, firm, or corporation to overdraw any account with such bank, is guilty of a misdemeanor.

Personal profit
from loan.

Section 42. Waiver of Stockholders' Liability. No bank shall make any contract with any of its depositors whereby the stockholders' liability provided for by this Act is in any manner waived, and if any such contract shall be so made, such contract shall be void.

Can't waive
stockholder's
liability.

Section 43. Purchase of Obligation of Bank by Officer. No directors, officer, agent or other employee of any bank, shall, directly or indirectly, for his own personal benefit, purchase or sell or be interested in the purchase

Purchase of
obligations of
bank by
employee.

or sale of any obligation of said bank, or of any of the assets of said bank, for a sum less than shall appear upon the face of the obligation or obligations so purchased or sold. Every person violating the provisions of this Section shall, in addition to the general penalties of this Act, forfeit to the State twice the nominal amount or face value of such obligations or assets so purchased or sold.

Limitations of
loans.

Section 44. Limitations on Loans. The total loans to any person, co-partnership or corporation by any bank, including loans to a co-partnership, and loans to the several members thereof, shall at no time exceed twenty per centum (20%) of the amount of the unimpaired capital and surplus of such bank. The discount of bills of exchange drawn in good faith against actual existing values, the discount of bankers, acceptances of other banks, the discount of commercial or business paper actually owned by the person negotiating the same, and the obligations of the United States or general obligations of any state or of any political subdivision thereof, or obligation issued under authority of the Federal Farm Loan Act, shall not be considered as money borrowed, nor shall the foregoing limitations apply to loans made on warehouse receipts and bills of lading, when such warehouse receipts and bills of lading cover non-perishable commodities of the marketable value of at least One Hundred Twenty per cent (120%) of the amount loaned thereon.

Combined
liabilities of
members.

The combined liabilities of the several members of any firm, co-partnership or unincorporated association to the loaning bank shall be included in the liabilities of such firm, co-partnership or unincorporated association, and the liabilities of such firm, co-partnership or unincorporated association shall be included in the liabilities of any member thereof in determining the foregoing limitations.

Excessive
liabilities.

When in the judgment of the Superintendent of Banks, the liabilities of any corporation or the combined liabilities of any corporation and one or more of its stockholders to any bank are excessive, he shall require the reduction thereof to such limits and within such time as he shall prescribe.

Loans to
managing
officer.

Section 45. Loans to Managing Officer. No bank shall make a loan to any managing officer of such bank, without taking good collateral or other ample and specific security therefor, and when such loan, or a loan made to a director of such bank, banking institution or trust

company, exceeds in amount ten per cent (10%) of its capital stock, it shall not be made until first approved by a majority of the directors of such bank, banking institution or trust company, which said approval shall be entered upon the records of such bank, and the signatures of a majority of the board of directors approving same shall be attached thereto, and be and remain a permanent record of such bank.

Section 46. **Calculation of Profits.** Interest or commissions unpaid, although due or accrued, on debts owing to any bank, shall not be included in calculation of its profits.

Calculation of profits.

Section 47. **Certified Checks.** Whenever a check drawn on any bank is certified by any officer or employee of such bank, the amount thereof shall be immediately charged against the account of the person, firm, or corporation drawing the same. It shall be unlawful for any officer or employee of any bank to certify any check drawn upon such bank, unless the person, firm or corporation drawing the check has on deposit with the bank at the time such check is certified, an amount of money subject to the payment of such check, equal to the amount specified in such check. Any officer or employee of any bank who shall wilfully violate the provisions of this Section, or shall resort to any device, or receive any fictitious obligation, directly or indirectly, in order to evade the provisions thereof shall have been regularly entered to the credit of the drawer, shall be guilty of felony.

Certified checks.

Money on deposit.

Penalty.

Section 48. **Interest Not to Exceed Lawful Rate.** No bank shall demand or receive for loans or discounts, a rate of interest exceeding that allowed by law, excepting that it shall be lawful for any bank to receive interest in advance according to the ordinary usages of banking institutions.

Interest not exceed lawful rate.

Section 49. **Joint Deposits—Survivorship.** When a deposit has been made, or shall hereafter be made, in any bank, in the names of two (2) persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or any interest or dividend thereon, may be paid to either of said persons, whether the other be living or not; and the receipt or acquittance of the person so paid shall be a valid and sufficient release or discharge to the bank for any payment so made.

Joint deposits. Survivorship.

Trust deposits.
Payment.

Section 50. Trust Deposits—Payment. Whenever any deposit shall be made in any bank by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank, in the event of the death of the trustee, the same, or any part thereof, together with the interest or dividends thereon, may be paid to the person for whom said deposit was made.

Deposit by
minor.

Section 51. Deposit by Minor. Whenever any deposit shall be made in any bank, and by and in the name of any minor, the same shall be held for the exclusive right and benefit of such minor, and free from the control or lien of all persons whatsoever, except creditors, and shall be paid, with any interest due thereon, to the person in whose name the deposit shall have been made, and the receipt of such minor shall be a sufficient release or discharge for such deposit to the bank.

Demand
deposits.

Section 52. Demand or Time Deposits. Demand deposits, within the meaning of this Act, shall comprise all deposits payable within thirty (30) days, and time deposits shall comprise all deposits payable after thirty (30) days, and all savings accounts and certificates of deposit which are subject to not less than thirty (30) days' notice before payment.

Time deposits.

Reserve
requirements.

Section 53. Reserve Requirements. Every bank, except a reserve bank, shall maintain at all times a reserve of at least ten per centum (10%) of its deposit liabilities, of which reserve such portion as the board of directors may determine may be on deposit in banks approved by the Superintendent of Banks as reserve banks. A bank approved by the Superintendent of Banks as a reserve bank must at all times maintain a reserve of at least fifteen per centum (15%) of its deposit liabilities, of which such portion as the board of directors may determine, may be on deposit in banks approved by the Superintendent of Banks as reserve banks. Any solvent bank of good repute having a full paid up capital and surplus of One Hundred Thousand Dollars (\$100,000.00), doing business in the State of Montana, or any of the states of the United States may be designated by the Superintendent of Banks as a reserve agent for Montana state banking institutions. Such approval or designation may be withdrawn or withheld at any time by the Superintendent of Banks for cause, provided that the

Approval of
Superintendent

provisions of this Act as to the capital and surplus shall not apply to any bank in Montana heretofore designated by the Superintendent of Banks as a reserve bank. Whenever the reserve of any bank shall fall below the amount required herein to be kept, such bank shall not increase its loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight or on demand, and the Superintendent of Banks shall notify any bank whose reserve may be below the amount herein required, to make good such reserve. In arriving at deposit liabilities with regard to bank deposits, the net balance of amounts due to and from other banks shall be taken as the basis for ascertaining the deposit liability to banks against which reserves shall be carried, provided, a compliance with the federal reserve banking laws, rules and regulations by member banks shall be held to be a compliance with the reserve requirements and conditions of this Act.

How increased.

Section 54. **Borrowed Money.** No bank shall at any time become indebted either directly or indirectly for borrowed money or rediscounts in an amount in excess of its paid up capital and surplus, without first obtaining written authority from the Superintendent of Banks, provided, that debentures or certificates of indebtedness issued by any investment company to run for a period of three (3) years or more, shall not be included in the deposit liabilities of said investment company, as effected by the provisions of this Section, and entitle such federal reserve member banks to the rights and privileges accruing from a compliance with this Act.

Bank not indebted for borrowed money without authority.

Section 55. **State Banking Department.** The State Banking Department of the State of Montana shall be maintained as in this Act provided. The State Examiner of the State of Montana shall be ex-officio Superintendent of Banks. Said State Examiner and Ex-officio Superintendent of Banks, hereinafter called the Superintendent of Banks, or for brevity the Superintendent, shall be appointed by the Governor and the appointment must be submitted to and confirmed by the Senate of the State of Montana. The State Examiner and Superintendent of Banks shall have been a resident of the State of Montana for three (3) years and shall have had at least five (5) years' banking experience in an executive capacity or as an examiner of banks, and active in either of these capacities up to within two (2) years of his appointment.

State banking department.

State Examiner Superintendent of Banks.

Qualifications.

Term of
office, duties,
bonds.

Section 56. **State Superintendent of Banks—Bond.** The term of office of the Superintendent of Banks shall be four (4) years from and after his appointment, and it shall be his duty to execute all laws in relation to banks, acting personally or through his examiners, regular or special. He shall file a bond as Superintendent of Banks in a penal sum of Twenty-five Thousand Dollars (\$25,000.00) with a surety or sureties to be approved by the Governor, conditioned upon the faithful performance of the duties of his office as Superintendent of Banks.

Appointment
of clerks and
examiners.

Section 57. **State Superintendent of Banks—Employees.** The Superintendent of Banks shall have the power and authority with the approval of the Governor to appoint such clerks and examiners, both regular and special, one of whom may be designated Chief Examiner, as may be necessary for the proper transaction of the business of the department. The examiners shall qualify by taking the oath of office required of other state officers and giving a bond in the sum of Ten Thousand Dollars (\$10,000.00), to be approved by the Governor, conditioned upon the faithful discharge of the duties of State Bank Examiners, and be commissioned by the Superintendent of Banks as such examiners.

Oath of
office and
bonds.

Not to be
interested in
banks.

Section 58. **Superintendent of Banks and Employees Not to Be Interested in Banks.** Neither the Superintendent of Banks nor any bank examiner shall be interested in or a borrower from any State bank, directly or indirectly.

Salary.

Section 59. **Superintendent of Banks—Salary.** The Superintendent of Banks shall receive a salary of Five Thousand Four Hundred Dollars (\$5,400.00) per annum, payable monthly. The salaries of all clerks and bank examiners appointed by the Superintendent of Banks, shall be fixed by the Superintendent of Banks, subject to the approval of the Governor.

Expenses.

Section 60. **Payment of Expenses of Superintendent.** The necessary traveling and living expenses of the Superintendent of Banks and the members of his staff incurred in the discharge of their duties when away from headquarters shall be borne by the State of Montana, and paid for from the appropriation made for the maintenance of the department. The Superintendent of Banks is authorized to attend the Montana Bankers Association, and shall be entitled to receive from the State of Montana his

necessary traveling and living expenses incurred in such attendance.

Section 61. Report to Superintendent of Banks. Every bank shall make to the Superintendent of Banks regular call reports according to the form which may be prescribed by him, verified by oath or affirmation of the president, vice-president or cashier of such bank and attested by the signature of at least two (2) of the directors other than the subscribing officer. Each such report shall exhibit in detail, and under appropriate schedules, the resources and liabilities of the bank at the close of business on any past day by him specified; and shall be transmitted to the Superintendent of Banks within five (5) days after the receipt of a request or requisition therefor from him, and in such form as may be required by the Superintendent of Banks, it shall be published as soon as possible in a newspaper published in the place where such bank is established, or, if there be no newspaper in the place, then in one published nearest thereto in the same county, at the expense of the bank; and such proof of the publication shall be furnished at such times and in such manner as may be required by the Superintendent of Banks.

Reports to
Superintendent
of Banks.

Section 62. Report of Declaration of Dividend. In addition to the statement required by the preceding section, every such bank shall report to the Superintendent of Banks within ten (10) days after declaring any dividend, showing the amount of such dividend and the amount of net earnings in excess of the dividend. Such statement shall be attested as provided for in the attestation of statement by the preceding section.

Report of
dividend
payment.

Section 63. Special Reports to Superintendent of Banks. In addition to the information obtained from the report required by the provisions of Section 61 of this code, the Superintendent of Banks shall also have the power to require any bank to furnish a special report in writing, verified as required by Section 61 of this code, whenever in his judgment such special report is necessary to inform him fully of the actual financial condition and affairs of such bank. Any wilful false statement in the premises shall be perjury, and shall be punished as such.

Special reports.

Section 64. Superintendent to Call for Reports. The Superintendent of Banks shall call for the reports specified in Section 61 of this code at least three (3) times

When reports
shall be called
for.

each year. The "past day specified" by the Superintendent of Banks, under the provisions of said section, shall be on the day designated by the Comptroller of Currency of the United States for reports of National Banking Associations.

Reports
confidential.

Section 65. Reports Confidential; False Reports; Penalties for the Violation Thereof.

The report and any information contained in the reports and statements hereinabove provided for, other than such reports as are required to be published, shall be deemed to be secret and for the confidential information of the Superintendent of Banks only, and such information shall not be imparted to any persons who are not officially associated in and with the office of the Superintendent of Banks, and the information therein contained shall be used by the Superintendent of Banks only in the furtherance of his official duties, except that it shall be lawful for the department to exchange information with the Federal Banking Department and with departments of other states and to furnish information to prosecuting officials who request the same for use in pursuit of official duties. Any Superintendent of Banks or deputy, assistant, examiner, or clerk in his employ, who violates any of the provisions of this section, or wilfully makes a false official report as to the condition of any bank, shall be removed from office, and shall also be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for not exceeding five (5) years, or by both such fine and imprisonment.

False reports.

Penalties.

When report
must be
made.

Section 66. Penalty for Failure to Make Report Within Five Days.

If any bank neglects to make out or transmit the statements required by this Act, within five (5) days after call, it shall be subject to a penalty of Twenty Dollars (\$20.00) for each day in default after the periods respectively required by this Act that it may delay to make and transmit any such statements. Should any bank delay for a period of one (1) month to make out and transmit the statements and proofs of publication required by this Act, beyond the period when the same is required to be made, or wilfully violate any of the provisions of this Act with reference to said statements and reports, the directors shall be personally responsible for

Penalty.

all the debts of such corporation contracted previous to and during the period of such neglect.

Section 67. False Statements and Entries Deemed Felony. Every officer or other person authorized by this Act, who wilfully and knowingly makes any false statement of facts, statement of account, or report, and every officer, agent, or clerk of any bank who wilfully and knowingly makes any false entries in the books of such bank, or knowingly subscribes or exhibits false papers, with the intent to deceive any person authorized to examine such bank, and every person authorized by the provisions of this Act to make statements or reports, who wilfully and knowingly subscribes or makes any false statement or report, shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned at hard labor in the State Prison for a term of not less than one (1) nor more than ten (10) years.

False statements and entries deemed felony.

Section 68. Assessment on Capital Stock to Make Good Impairment. Whenever the Superintendent of Banks shall determine that an impairment of capital exists in any bank, he may in his discretion notify the Board of Directors of such bank by written notice that such impairment exists, stating the amount thereof in dollars and percentage of the capital stock thereof, and he may if he deems it advisable, order such board to make good such impairment within ninety (90) days from date of such notice.

Assessments.

The Board of Directors shall, upon receipt of notice, convene and pass a resolution reciting the receipt of such notice of impairment and calling a special meeting of the stockholders of the bank for a day certain in the manner provided in their by-laws.

Notice of impairment.

The stockholders, when assembled as herein provided, shall pass a resolution reciting the facts of receipt of notice from the Superintendent, notice of impairment and notice of meeting, and assessing themselves by assessing the stock of record, payment of which assessment must be made within the time limit specified by the Superintendent of Banks as provided in notice of impairment.

Resolution.

If there be any stock remaining on which the assessment is not paid as hereinabove provided, the same or such part thereof as is necessary to pay the assessment shall be sold by the Board of Directors, acting through

Sale of stock for assessment.

the cashier or secretary thereof, at public or private sale, as appears best for all concerned, on a day certain, not less than thirty (30) days after the day fixed for payment of assessment hereinabove provided, notice of time and place of which sale shall be given by registered mail to the stockholders by the board through its cashier or secretary at least ten (10) days prior to the date thereof, and such sales of stock as herein provided for shall effect an absolute cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the same null and void in the hands of the stockholders, his assigns or pledgees, and a new certificate shall be issued by the bank to the purchaser thereof, for the number of shares purchased, and a new certificate issued to the stockholder of record and delivered to him or any pledgee or assignee thereof for the remaining shares, if any, and the record of the original certificate sold shall be marked cancelled on the books of the bank and such record thereof shall be prima facie evidence of the regularity of the proceedings for the sale of said stock.

Failure to make
good capital
impairment.

If any bank fails to make good its capital impairment upon demand of the Superintendent of Banks, as provided herein, the Superintendent of Banks may forthwith take charge of such bank and proceed to liquidate it as in case of insolvency.

Suit to collect
assessment.

If the said stock does not sell for sufficient to pay the assessment thereon, the Board of Directors may proceed by suit in the name of the corporation to collect the deficiency from the record holder, whose stock has been thus sold for the assessment.

Receiving
deposits when
insolvent.

Section 69. Penalty for Receiving Deposits When Insolvent, or Making False Statements. Any officer, agent, or clerk of any bank, knowing such bank to be insolvent, who receives money, bank bills, notes of the United States, or currency, or other bills or drafts circulating as money or currency, except in the manner set forth in the succeeding section, or who subscribes or makes any false statements or entries in the books of such bank, or knowingly subscribes or exhibits any false paper with the intent to deceive any person authorized to examine as to the condition of such bank, or wilfully subscribes or makes false reports, shall be subject to imprisonment at hard labor in the State Prison for a term not exceeding five (5) years.

False reports
penalty.

Section 70. **Deposits in Insolvent Bank.** Whenever any bank shall be insolvent in the manner described and set forth in this Act, such bank shall not accept or receive on deposit any money, bank bills, or notes, United States Treasury notes or currency, or other notes, bills or drafts circulating as money or currency, or transact any other business in a connection with its operations, except as trustee for the depositors and parties transacting business with them, and it or they shall keep all such deposits of money, bills or notes, or United States Treasury notes or currency, or other notes, bills, or drafts circulating as money or currency, separate and apart from the general assets of the bank, from and after the date of the accrual of such insolvency, and when such impairment or insolvency has been made good, such deposits received in trust may be transferred to the general assets of the bank on and by written consent of the Superintendent of Banks; provided, that in the event such insolvency be not made good then any and all such trust deposits shall be returned to the depositors making them; provided, further, that any officer, director, cashier, manager, member, partner or managing partner thereof, who shall knowingly accept or receive, be accessory to or permit or connive at the receiving or accepting of such trust deposits, except in the manner hereinbefore set forth in this section, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or imprisonment in the State Prison not exceeding five (5) years, or by both fine and imprisonment as aforesaid.

Deposits in
insolvent bank.

Penalty.

Section 71. **Examination and Supervision.** The Superintendent of Banks shall exercise a constant supervision, either personal or through the examiners herein provided for, over the books and affairs of all banks doing business within the State of Montana; and shall, through the examiners, visit, at least once a year, each of said banks, and verify the assets and liabilities of each, and so far investigate the character and value of the assets of each as to ascertain with reasonable certainty that the values are correctly carried on the books. He shall further investigate the methods of operation and conduct of business of said banks and their systems of accounting, to ascertain whether such methods and systems are in accordance with law and sound banking principles. He may examine, or cause to be examined by the examiners, on oath, any of the officers, directors,

Examination
and suspension
of superintend-
ent.

agents, clerks, customers, or depositors of any bank touching the affairs and business thereof, and may, in the performance of his official duties, issue, or cause to be issued by himself or the examiners subpoenas, and administer, or cause to be administered by the examiners, oaths; provided, that in case of any refusal to obey any subpoena issued by him or under his direction, such refusal may at once be reported to the District Court of the district in which the bank is located, and such Court shall enforce obedience to such subpoena in the manner provided by law for enforcing obedience to the process of said Court. In all matters relating to his official duties, the Superintendent of Banks shall have the same power possessed by courts of law to issue subpoenas, and cause them to be served and enforced, and all officers, directors, agents and employees of banks doing business under the provisions of this Act, and all persons having dealings with or knowledge of the affairs or methods of any such institution, shall at all times afford reasonable facilities for such examinations, and make such returns and reports to the Superintendent of Banks as he may require; attend and answer under oath his lawful inquiries, produce and exhibit such books, accounts, documents and property as he may desire to inspect, and in all things aid him in the performance of his duty.

Reports and
records of
superintendent.

Section 72. Reports and Records of Superintendent. The Superintendent of Banks shall keep all proper records and files pertaining to the duties and work of his office, and shall report to the Governor annually touching all of his official acts, giving abstract of statistics and the condition of the affairs of all banks to which his duties relate, and make such recommendations and suggestions as he may deem proper, which report may be printed and bound in a satisfactory and substantial manner, and distributed among the banks doing business under the provisions of this Act.

State
Examiner's
fund.

Section 73. State Examiner's Fund. For the purpose of a just distribution of the expense incurred by the Department of the State Examiner, there is hereby created a fund to be designated as the "State Examiner's Fund", and all moneys collected under the provisions of this section shall be credited to said fund, except as otherwise provided herein.

COUNTIES.

For the credit of such fund, each county of the state, shall pay to the State Treasurer on or before the first day of July of each year, according to its taxable valuation for the preceding year as follows:

County
payments to
fund.

Counties having a taxable valuation of Five Million Dollars (\$5,000,000.00) or less, One Hundred and Seventy-five Dollars (\$175.00).

Counties having a taxable valuation of from Five Million Dollars (\$5,000,000.00) to Seven Million Dollars (\$7,000,000.00), Two Hundred and Twenty-five Dollars (\$225.00).

Counties having a taxable valuation of from Seven Million Dollars (\$7,000,000.00) to Ten Million Dollars (\$10,000,000.00), Two Hundred and Fifty Dollars (\$250.00).

Counties having a taxable valuation of from Ten Million Dollars (\$10,000,000.00) to Fifteen Million Dollars (\$15,000,000.00), Three Hundred Dollars (\$300.00).

Counties having a taxable valuation of from Fifteen Million Dollars (\$15,000,000.00) to Twenty Million Dollars (\$20,000,000.00), Three Hundred and Fifty Dollars (\$350.00).

Counties having a taxable valuation of from Twenty Million Dollars (\$20,000,000.00) to Thirty Million Dollars (\$30,000,000.00), Four Hundred and Fifty Dollars (\$450.00).

Counties having a taxable valuation of from Thirty Million Dollars (\$30,000,000.00) to Forty Million Dollars (\$40,000,000.00), Six Hundred Dollars (\$600.00).

Counties having a taxable valuation of more than Forty Million Dollars (\$40,000,000.00), Seven Hundred and Fifty Dollars (\$750.00).

All consolidated county and city governments having a taxable valuation of from Thirty Million Dollars (\$30,000,000.00) to Forty Million Dollars (\$40,000,000.00) Eight Hundred Dollars (\$800.00).

All consolidated county and city governments having a taxable valuation of more than Forty Million Dollars (\$40,000,000.00), One Thousand Dollars (\$1,000.00).

CITIES AND TOWNS.

City and
towns payment
to fund.

For the credit of such fund, each city and town of the State, shall pay to the State Treasurer, on or before the first day of July of each year, according to its taxable valuation for the preceding year, as follows:

Cities and towns having a taxable valuation of Two Hundred Thousand Dollars (\$200,000.00) or less, Twenty-five Dollars (\$25.00).

Cities and towns having a taxable valuation of from Two Hundred Thousand Dollars (\$200,000.00) to Five Hundred Thousand Dollars (\$500,000.00), Fifty Dollars (\$50.00).

Cities and towns having a taxable valuation of from Five Hundred Thousand Dollars (\$500,000.00) to Seven Hundred and Fifty Thousand Dollars (\$750,000.00), Seventy-five Dollars (\$75.00).

Cities and towns having a taxable valuation of from Seven Hundred and Fifty Thousand Dollars (\$750,000.00) to One Million Dollars (\$1,000,000.00), one Hundred Dollars (\$100.00).

Cities and towns having a taxable valuation of from One Million Dollars (\$1,000,000.00) to Two Million Five Hundred Thousand Dollars (\$2,500,000.00), One Hundred Fifty Dollars (\$150.00).

Cities and towns having a taxable valuation of from Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to Five Million Dollars (\$5,000,000.00), Two Hundred Dollars (\$200.00).

Cities and towns having a taxable valuation of from Five Million Dollars (\$5,000,000.00), to Ten Million Dollars (\$10,000,000.00), Two Hundred Fifty Dollars (\$250.00).

Cities and towns having a taxable valuation of more than Ten Million Dollars (\$10,000,000.00), Three Hundred Dollars (\$300.00).

FREE COUNTY HIGH SCHOOLS.

Payment of
free county
high school.

For the credit of said fund, each Free County High School shall pay to the State Treasurer on or before the first day of July of each year, a fee in the amount of Twenty-five Dollars (\$25.00).

IRRIGATION DISTRICTS.

For the credit of said fund, each Irrigation District under the supervision of the State Examiner, shall pay to the State Treasurer on or before the first day of July of each year, the following amounts:

Payments by
irrigation
districts.

Districts whose existing or proposed obligations are in excess of Two Hundred and Fifty Thousand Dollars (\$250,000.00), Fifty Dollars (\$50.00).

Districts whose existing or proposed obligations are less than Two Hundred and Fifty Thousand Dollars (\$250,000.00), Twenty-five Dollars (\$25.00).

BANKS AND TRUST COMPANIES.

For the credit of said fund, each bank, trust company or investment company, under the supervision of the Superintendent of Banks, shall pay to the State Treasurer, on or before the first day of July of each year, a fee according to the following rates:

Payments by
banks and trust
companies.

All banks, incorporated or unincorporated, having capital stock of Twenty-five Thousand Dollars (\$25,000.00) or under, shall pay One Hundred Dollars (\$100.00).

Those having capital stock of over Twenty-five Thousand Dollars (\$25,000.00) and up to and including Fifty Thousand Dollars (\$50,000.00), shall pay One Hundred Twenty-five Dollars (\$125.00).

Those having capital stock of over Fifty Thousand Dollars (\$50,000.00) and up to and including Seventy-five Thousand Dollars (\$75,000.00) shall pay One Hundred Fifty Dollars (\$150.00).

Those having capital stock of over Seventy-five Thousand Dollars (\$75,000.00) and up to and including One Hundred Thousand Dollars (\$100,000.00), shall pay Two Hundred Dollars (\$200.00).

Those having capital stock of over One Hundred Thousand Dollars (\$100,000.00) and up to and including Three Hundred Thousand Dollars (\$300,000.00), shall pay Three Hundred Dollars (\$300.00).

Those having capital stock over Three Hundred Thousand Dollars (\$300,000.00), shall pay Three Hundred Fifty Dollars (\$350.00).

BUILDING AND LOAN ASSOCIATIONS.

Payment by
building and
loan associa-
tions.

For the credit of said fund, each Building and Loan Association under the supervision of the Superintendent of Banks, shall pay to the State Treasurer, on or before the first day of July of each year, a fee based upon the total assets of such association as shown by its last annual statement and upon the following rates:

All building and loan associations having total assets in the amount of Fifty Thousand Dollars (\$50,000.00), or less, shall pay a fee in the amount of Thirty-five Dollars (\$35.00).

Those having total assets in the amount of Fifty Thousand Dollars (\$50,000.00) and less than Two Hundred Thousand Dollars (\$200,000.00), shall pay a fee of Seventy-five Dollars (\$75.00).

Those having total assets in the amount of Two Hundred Thousand Dollars (\$200,000.00) and less than Five Hundred Thousand Dollars (\$500,000.00), shall pay a fee of One Hundred Dollars (\$100.00).

Those having total assets in the amount of Five Hundred Thousand Dollars (\$500,000.00) and less than One Million Dollars (\$1,000,000.00), shall pay a fee of One Hundred Fifty Dollars (\$150.00).

Those having total assets in the amount of One Million Dollars (\$1,000,000.00) and less than One Million Five Hundred Thousand Dollars (\$1,500,000.00), shall pay a fee of Two Hundred Dollars (\$200.00).

Those having total assets in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) and less than Two Million Dollars (\$2,000,000.00), shall pay a fee of Two Hundred Fifty Dollars (\$250.00).

Those having total assets in the amount of Two Million Dollars (\$2,000,000.00) and less than Three Million Dollars (\$3,000,000.00), shall pay a fee of Three Hundred Dollars (\$300.00).

Those having total assets in the amount of Three Million Dollars (\$3,000,000.00) and less than Four Million Dollars (\$4,000,000.00), shall pay a fee of Four Hundred Dollars (\$400.00).

Those having total assets in the amount of Four Million Dollars (\$4,000,000.00) and less than Five Million Dollars (\$5,000,000.00), shall pay a fee of Five Hundred Dollars (\$500.00).

Those having total assets in the amount of Five Million Dollars (\$5,000,000.00) and less than Six Million Dollars (\$6,000,000.00), shall pay a fee of Seven Hundred Dollars (\$700.00).

Those having total assets in the amount of Six Million Dollars (\$6,000,000.00) or more, shall pay a fee of Eight Hundred Dollars (\$800.00).

Provided further, that all Building and Loan Associations incorporated under the laws of other states, and doing business in the State of Montana under the supervision of the Superintendent of Banks, in addition to the regular fee as above set forth, shall pay to the examiners making such examination, their necessary traveling expenses including transportation and subsistence.

Special examinations may be made of any county, city, town, school district, irrigation district, high school, bank, building and loan association or any other office, board or commission, whether temporary or permanent, however created, and for whatever purpose, having the control, management, collection or disbursement of any public money of any character or description, when in the judgment of the State Examiner it shall be deemed necessary, and such special examinations shall be charged for at the rate of Fifteen Dollars (\$15.00) per day for each examiner employed for the time actually consumed, together with necessary transportation. All fees or charges so collected by the Superintendent of Banks and paid to the State Treasurer, shall be credited to the State Examiner's departmental Appropriation for the current year by the State Auditor.

Special
Examinations.

Fees.

In any case where the current examination shall not have been made prior to the first day of July of any year, the above fees must be paid as herein specified, provided, however, that all examinations shall cover the entire period from the date of the last examination.

Section 74. Acceptance and Issuance Drafts and Letters of Credit. Every bank organized and existing under the laws of Montana, shall have power and authority to accept for payment at a future date, drafts drawn upon it, by its customers, and to issue letters of credit, authorizing holders thereof to draw drafts upon it, if its correspondents at sight or on time not exceeding one (1) year, provided that the total amount of drafts so ac-

Acceptance
and issuance
of drafts and
letters of
credit.

cepted or letters of credit so issued for any one person, firm or corporation, shall not at any one time exceed twenty per cent (20%) of the capital and surplus of the accepting or issuing bank.

Change from
state to
national bank.

Section 75. Change From State to National Bank. Any bank may become a corporation for the purpose of carrying on the business of banking within this State, pursuant to the provisions of the Act of Congress "to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and of Title 52 of the Revised Statutes of the United States, whenever stockholders owning two-thirds (2-3) of the stock of such bank shall have voted to become such corporation, or have executed a written consent authorizing its directors to make the certificate required therefor by the laws of the United States, or whenever a majority of the directors of such bank, having been authorized in their discretion to make the change, shall, by a vote of such majority, decide to become such corporation; and the cashier of such bank shall publish notice thereof for thirty (30) days in such newspaper as the directors may select, and send a like printed notice by mail or otherwise to all non-voting or dissenting stockholders, and notify the State bank examiner of this State that such bank has decided to become a corporation under the laws of the United States.

Surrender of
charter by
state bank.

Section 76. Surrender of Charter by State Bank. Any such bank, which will become a corporation for carrying on the business of banking under the laws of the United States, shall cease to be a corporation under the laws of this state, except that for the term of three (3) years thereafter its corporate existence shall be deemed to continue for the purposes of prosecuting and defending suits by and against it, and of enabling it to close its concerns, and to dispose of and convey its property. The members of the board of directors last in office, when such corporation shall have become a corporation under the laws of the United States, shall continue to be the board of directors of the corporation, with power to take all necessary measures to carry out and perfect such organization, by signing the articles of association and the organization certificate, and adopting such regulations as may be just and proper and not inconsistent with the Acts of Congress in relation thereto. Such

change from a state to a national bank corporation shall not release any such bank from its obligations to pay and discharge all the liabilities created by law or incurred by it before becoming a national bank corporation, or any tax imposed by the laws of this state up to the date of its becoming such national bank corporation, in proportion to the time which has elapsed since the next preceding payment thereof.

Section 77. **Reduction of Capital Stock.** The directors of such new corporation may reduce the capital stock of the bank to its par value by dividing the surplus among its stockholders, or may retain such portion of such surplus as they may deem necessary; and in case of an increase of the capital stock under the provisions of the Acts of Congress, may charge the shares of such increased capital stock with a like amount, to place the whole of such capital stock on an equality; and may award such new stock, or such proportion or fractional parts thereof, to such persons as they shall determine are entitled thereto, and as are provided in their articles of association and in the Acts of Congress; but new directors may be chosen at such time and in the manner provided in the articles of association and the Acts of Congress.

Reduction of
capital stock.

Section 78. **Certificate of Change to National Bank.** When any such bank has decided to become a corporation under the laws of the United States, the directors shall immediately thereafter execute and transmit to the comptroller of the currency the proper certificate and other instruments for its conversion into a national bank corporation under the laws of the United States. When any such bank shall have become authorized to commence the business of banking under the laws of the United States, all the property of such bank shall immediately, by Act of law, and without any conveyance or transfer, be vested in and become the property of the national bank corporation, into which such bank shall have been converted.

Certificate
when changed
to national
bank.

Section 79. **Reorganization of National Bank as State Bank.** Any national bank authorized to dissolve, and which shall have taken the necessary steps to effect dissolution, may reorganize as a state bank upon the consent in writing of the owners of two-thirds of the capital stock of such bank, and with the approval of the State Superintendent of Banks. The stockholders

Reorganization
of national
bank as state
bank.

Articles. shall make, execute, and acknowledge articles of incorporation as required by the laws of the State of Montana, and shall set forth therein the said written consent of such stockholders. Upon the filing of said articles as provided by law, and upon the approval of the Superintendent of Banks, such bank shall be deemed to be reorganized under this Act, and thereupon all assets, real and personal, of such dissolved national bank shall be vested in and become the property of such reorganized state bank, subject to all liabilities of such national bank not liquidated before such reorganization.

Forged check liability. Notice. Section 80. **Liability of Bank Paying Forged Check.** No bank shall be liable to a depositor for the payment by it of a forged or raised check unless, within thirty days after the receipt by the depositor of the voucher of such payment, such depositor shall notify the bank that the check so paid is forged or raised.

Presentation of checks. Time limit. Section 81. **Presentation Checks—Time For.** Where a check or other instrument payable on demand at any bank or trust company doing business in this state is presented for payment more than six months after its date, such bank or trust company may, unless expressly instructed by the drawer or maker to pay the same, refuse payment thereof and no liability shall thereby be incurred to the drawer or maker for dishonoring the instrument by non-payment.

Unincorporated banks. Designation of name. Section 82. **Unincorporated Banks—Designation of Name.** It shall be unlawful for any person or persons in anywise to conduct a commercial banking business, or a banking business of discount and deposit, within the State of Montana, in the capacity of an individual or of a co-partnership or of an unincorporated association, unless the name under which such bank is known and conducted shall contain the name of such individual, or the name of at least one actual and responsible member of such co-partnership or association, in addition to which name there shall be no other designation than the words "bank of", "Banking house of", "banker", or "bankers". Nothing in this section shall apply to any person, firm or association now conducting a private banking business in this state, which bank is now authorized by the State Banking Department to do a banking business.

Section 83. Financial Condition Required of Unincorporated Bank. Every such individual, co-partnership, or association intending to conduct such bank or banking business within the State of Montana, shall, before the receipt of any money whatsoever on deposit, actually own and possess, within the State of Montana, approved property or assets not exempt from execution of the minimum value of not less than Twenty Thousand Dollars (\$20,000.00) in cities and towns having a population of over two thousand (2,000) and not less than five thousand (5,000), the sum of Thirty Thousand Dollars (\$30,000.00); in cities having a population of five thousand (5,000) and not less than ten thousand (10,000), the sum of Fifty Thousand Dollars (\$50,000.00); in cities having ten thousand (10,000) population and less than twenty-five thousand (25,000) the sum of Seventy-five Thousand Dollars (\$75,000.00); in all cities having a population of twenty-five thousand (25,000) or over, the sum of One Hundred Thousand Dollars (\$100,000.00); which financial condition must appear and be carried on the books of any such bank or banks. Such requirement shall extend and be applicable separately to each and every private bank conducted by any person, co-partnership, or association, and no asset or assets shall appear on the books of more than one bank.

Financial requirements for unincorporated banks.

Section 84. Private Banks Subject to Inspection by State Examiner. Every private bank, corporation, or association, conducting a banking business within the State of Montana, operating under the foregoing provisions, shall be subject to examination and visitations of the State Examiner once each year, and oftener when deemed necessary by said examiner, who shall have full power and authority to investigate and examine all books, papers, and effects of any such bank or banking house for the purpose of ascertaining the financial condition of any such bank or banks, and shall have the power in aid thereof to administer oaths to any person or persons, or the agent or employees of any person or persons conducting such bank or banking business.

Private banks subject to inspection.

Section 85. Information Obtained by State Examiner to Be Deemed Confidential; Penalty for the Violation Thereof. Any knowledge or information gained or discovered by the State Superintendent of Banks, in pursuance of his powers or duties as herein prescribed, shall

Information obtained is confidential.

be deemed confidential information of the State Examiner's office only, and such information shall not, except as herein provided, be imparted to any person or persons who are not officially associated in and with the office of the State Examiner, and such information shall be used by the State Examiner only in the furtherance of his official duties, except that it shall be lawful for the department to exchange information with the Federal Banking Department and departments of other states and to furnish information to prosecuting officials who require the same for use in pursuit of official duties. Any State Examiner or deputy, assistant, or clerk in his employ, who violates any of the provisions of this section, or wilfully makes a false official report as to the condition of any bank, shall be removed from office, and shall also be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the state penitentiary for not exceeding five (5) years, or by both such fine and imprisonment.

Penalty for violation.

Report of private bank.

Section 86. Report of Private Bank. The cashier of any bank doing business under the provisions of this Act, when so directed by the State Superintendent of Banks, shall make a report to the said Superintendent of Banks at his call; which report shall not be made less than three (3) times during each year, and which said report shall not be made less than two (2) calendar months apart, which said reports shall be made in a form prescribed by the Superintendent of Banks, verified by the oath or affirmation of said cashier, which said statements or reports must contain a full abstract of the general accounts of the bank, and exhibit under appropriate head the resources and liabilities thereof, so as to plainly show all of the resources and liabilities of said bank, and the amount at any time thereof, which said statements shall be transmitted to the Superintendent within five (5) days after the receipt of the request or requisition therefor. Said report, in such condensed form as may be required by said Superintendent, must be published once in a newspaper of general circulation in the place where said bank is located, or if there be no newspaper of general circulation published in said place, then in the nearest newspaper available, which publication must be at the expense of the bank making said report, and such proof of publication of the said report shall be furnished as may be required by the said Super-

Publication.

intendent. The Superintendent of Banks shall also have power to call for special reports from any particular bank whenever in his judgment the same are necessary under the provisions of this Act.

Special reports.

Section 87. Receiving Deposits by Insolvent Bank—Making False Entries. Any person, or the members of any co-partnership or banking association, wilfully or knowingly receiving deposits, money, or commercial papers, circulating as money, when such person or co-partnership or banking association is insolvent or who subscribes or makes any false statement, or entries in the books of any such bank, or who knowingly subscribes or exhibits any false papers, with the intention of deceiving any person authorizing to examine the condition of any bank provided for in this Act, or who wilfully subscribes or makes false reports to the Superintendent of Banks, shall be guilty of a felony, and shall be punishable by imprisonment in the State prison for a term not exceeding five (5) years.

Insolvent bank receiving deposits.

Penalty.

Section 88. Bank Insolvent When. A bank is insolvent within the meaning of this Act when all of its capital, surplus and undivided profits are absorbed in losses and the remaining assets are not sufficient to pay and discharge its contracts, debts, and engagements.

When bank insolvent.

Section 89. Liability on Items Forwarded. Any bank operating in the State of Montana, and receiving for collection or deposit any check, note, draft, or negotiable instrument, may send such check, note, draft or negotiable instrument for collection direct to the bank on which it was drawn or at which it is payable, and it or its agent may accept a bank draft in payment of or in remittance for such check, note, draft, or negotiable instrument, and neither the forwarding bank nor its agent using due diligence shall be held liable for any loss resulting from the acceptance of bank draft in lieu of cash, nor for the failure of the drawee bank to remit for such item, nor for the non-payment of any bank draft accepted in payment or as a remittance from the drawee bank. The obligation of the maker upon any such check, note, draft or negotiable instrument so handled for collection shall not be discharged by the charging of such item to him on the books of the drawee bank or by the surrender of any such item to him by the drawee bank, or unless or until such remittance draft be paid.

Liability on forwarded items.

Due diligence
what
constitutes.

Section 90. Same—What Constitutes Due Diligence. When a check, draft, note or negotiable instrument is deposited in a bank for credit or for collection, it shall be considered due diligence on the part of the bank of deposit, in the collection of any such item (check, draft, note or negotiable instrument so deposited), to forward en route the same not later than the following banking business day.

Superintendent
to make rules.

Section 91. Superintendent to Make Rules and Regulations. The Superintendent of Banks shall have the power to adopt and promulgate uniform rules and regulations to govern the examination and reports of banks and prescribe the form in which such banks shall report their assets, liabilities and reserves.

Definition of
special
examination.

Section 92. Special Examination Defined. Any examination made by the Superintendent of Banks otherwise than in the ordinary routine of the department, and because in his opinion the condition of the bank requires such examination, and every examination made at the request of the board of directors or stockholders of any bank shall be deemed a special examination.

Examination
at request
of directors.

Section 93. Examination at Request of Directors. When requested in writing, upon the authority of a majority of the board of directors of any bank to make an examination of such bank, the Superintendent of Banks shall do so.

Consolidation
of banks.

Section 94. Consolidation of Banks. Any two (2) or more banks may, with the approval of the Superintendent of Banks, consolidate into one (1) bank under the charter of either existing bank, on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each bank proposing to consolidate, and be ratified and confirmed by the vote of the shareholders of each such bank owning at least two-thirds of its capital stock outstanding, at a meeting to be held on the call of the directors, after sending notice to each shareholder of record by registered mail at least ten (10) days prior to said meeting; provided, that the stockholders may unanimously waive such notice and may consent to such meeting and consolidation in writing. Provided also, that the capital stock of such consolidated bank shall not be less than that required under existing law for the organization of a bank of the class of largest consolidating bank.

The assets and liabilities of the consolidated bank shall be reported by the surviving bank. All the rights, franchises, and interests of said bank so consolidated in and to every species of property, real, personal and mixed and choses in action thereto belonging, shall be deemed to be transferred to and vested in such bank into which it is consolidated without other instrument of transfer, and the said consolidated bank shall hold and enjoy the same and all rights of property, franchises, and interests in the same manner and to the same extent as was held and enjoyed by the bank so consolidated therewith, provided, however, that merging bank shall transfer to the surviving bank all of its real property by good and sufficient deed of conveyance and for that and other purposes shall remain a body corporate for a period of at least three (3) years after merger and shall not then dissolve without the approval of the Superintendent of Banks.

Reports of
surviving bank.

Section 95. Taxes on Banks Which Have Ceased to Do Business As Banks. Whenever any bank ceases to do business as a bank no taxes shall be levied or collected in accordance with the laws governing the assessment of banks, but its property shall be assessed in accordance with the laws governing the assessment of similar property of private corporations.

Taxes when
business ceases.

Section 96. Attachments Prohibited. No property owned by any bank, organized under the laws of the State of Montana, shall be subject to attachment.

Attachments
prohibited.

Section 97. Conversion Surplus and Undivided Profits to Capital. A bank having a surplus and undivided profits equal to or in excess of fifty per centum (50%) of its capital stock, may increase its capital stock by the issuance of new stock for a part of said surplus and undivided profits. Said increase may be made by the vote of two-thirds (2-3) of the stock in person or by proxy, either at a regular annual stockholders' meeting or at a meeting called for said purpose in accordance with the by-laws of the corporation. All increases of capital stock made under this Section must be accomplished in such a manner as to conform to the requirements of this Act as to surplus of banks when first incorporated. New capital stock when issued by a bank against its surplus and undivided profits may be issued without the payment of cash therefor, but the same shall

Surplus and
undivided
profits, con-
verted to
capital.

Approval by
Superintendent
of Banks.

be charged upon the books of the bank and in the statements thereof against surplus and undivided profits in such a manner that the combined capital, surplus and undivided profits shall not be reduced by the issuance of said new stock. Whenever a bank shall have voted to issue any stock as contemplated in this Section, it shall certify such action to the Superintendent of Banks, who shall within thirty (30) days, approve or reject the plan. His action shall be final and written notice thereof shall be given to the bank. If the Superintendent of Banks approves of the issuance of said new stock and so notifies the bank, it shall thereupon file certificate thereof with the County Clerk and Recorder of the county wherein the bank is located and with the Secretary of State of the State of Montana. Upon said filing with the Secretary of State, the increase shall become effective.

Superintendent
to examine
trusts.

Section 98. **Superintendent to Examine Trusts.** It shall be the duty of the State Superintendent of Banks as a part of the examination of trust companies and banks to check all trusts, trust funds and trust and estate accounts held in the possession and control of the bank or trust company.

Extent of
pledged assets.

Section 99. **Extent Assets May Be Pledged.** No bank, banker or bank officer shall, except as otherwise authorized by law, pledge or hypothecate as collateral security for money borrowed, its assets in a ratio exceeding one and one half times the amount borrowed (except as otherwise authorized by the Superintendent).

Superintendent
to make rules.

Section 100. **Superintendent Make Rules.** The Superintendent of Banks shall have the authority to make and promulgate reasonable rules and orders in the matter of bookkeeping and accounting by State banks, including the keeping of reasonable credit information or information in connection with assets, and for information in connection with charged off items.

Branch bank
prohibited.

Section 101. **Branch Bank Prohibited.** No bank shall maintain any branch bank, receive deposits or pay check, except over the counter of and in its own banking house. Provided, that nothing in this Section shall prohibit ordinary clearing house transactions between banks.

Past due and
doubtful paper.

Section 102. **Past Due and Doubtful Paper.** Every bank carrying any bad debt, or a debt of doubtful value,

as an asset, shall upon the request or demand of the Superintendent of Banks collect the same, or put it in good bankable condition, or charge it out of its books.

Section 103. **Reserve—Reports On.** It shall be the duty of any bank whose reserve shall drop below the legal requirements to report the matter to the Superintendent of Banks immediately and as often thereafter as the Superintendent shall ask for said report.

Report when
reserve drops.

Section 104. **Payment to Foreign Administrator.** Any bank doing business in this State may pay any money remaining to the credit of a deceased depositor or deliver any personal property in its possession belonging to such deceased depositor to an administrator or executor of such depositor duly appointed and qualified in another state, provided no demand therefor shall have been previously made by an administrator or executor appointed in any county of this State, and such payment shall discharge the bank making the same from its liability on account of such deposit.

Payments to
foreign
administrator.

Section 105. **Bonding of Employees.** It shall be the duty of the Board of Directors of every bank to require that all officers and employees of banks whose duties include the handling of money, notes, bonds, credits and cash items and whose duties include bookkeeping and the making of entries in relation to the business of the bank, be bonded. The Board of Directors shall by order duly entered on the minute books of the Board designate the officers and employees to be bonded and the amounts of bonds to be given. Such action as to personnel and amount and surety to be subject to approval of Superintendent. Said bonds to guarantee the bank against loss on account of the dishonesty or malfeasance in office of its employees. Bonds to be approved by the President of the bank and his action to be reported to the board of directors. Bonds to be kept in custody of some officer other than the individual liable on the bond and for whom the same is given.

Bonding of
employees.

Approval.

Section 106. **Corporate Existence—Cease When.** The charters and the corporate existence of banks shall cease automatically and become non-existent upon the completion of liquidation of the affairs of said bank whether accomplished voluntarily or through legal process. For the purposes of this Section a bank's affairs shall be considered liquidated and completed when all of its

When corporate
existence
ceases.

property of every kind has been sold or applied toward the payment of its obligations, and the corporation is left without property in existence or in reasonable expectancy.

Advertising
before charter
prohibited.

Section 107. Bank Advertising Before Issuance of Charter. It shall be unlawful for any individual, firm or corporation to advertise, publish or otherwise promulgate that it is engaged in the banking business without first having obtained authority from the Department of Banking, as herein provided. Any such individual, or member of such firm, or officer of any such corporation so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by the laws of this State.

Right of
examination
by stockholder.

Section 108. Right of Examination by Stockholder. No stockholder of any bank incorporated under the laws of this State who is not a director shall have the right to inspect the books and records of such bank showing its transactions with any of its customers, but any such stockholder shall have the right to inspect during business hours the general statement book showing the general assets and liabilities of such bank.

Removal of
directors or
employees.

Section 109. Removal of Directors, Officers, or Employees. Any director, officer or employee of any bank found by the Superintendent, after examination, to be negligent, dishonest, reckless or incompetent, shall be removed from office by the board of directors of such bank on the written order of the Superintendent, and if the directors neglect or refuse to remove such director, officer or employee, in event any losses accrue to such bank thereafter by reason of the negligence, dishonesty, recklessness or incompetency of such director, officer or employee, such written order of the Superintendent shall be deemed to be conclusive evidence of the negligence of the directors failing to act upon the same as herein provided in any action brought against them, or any of them, by a depositor or creditor for recovery of such losses.

Limitations on
borrowing
money.

Section 110. Borrowing Money; Limitations. No bank shall borrow money, except to meet its seasonal requirements or unexpected withdrawals. Provided, that at no time shall the bills payable and rediscounts of any bank be permitted to exceed in the aggregate an amount equal to the capital and surplus of such bank, except

with the written consent of the Superintendent, first had and obtained. Whenever it shall appear to the Superintendent that a bank is borrowing money in excess of the above limitation, or for the purposes other than as specified above, he may require it to reduce such borrowing within a time to be fixed by him.

Section 111. No. C. D. to Issue for Borrowed Money. No bank shall issue its certificate of deposit for the purpose of borrowing money or make partial payments upon any certificate of deposit.

No. C. D's. for borrowed money.

Section 112. Giving Security for Deposit Prohibited. It shall be unlawful for any bank to pledge, mortgage or hypothecate to any depositor any of its real or personal property as security for any deposit and any pledge, mortgage or hypothecation made in violation thereof shall be unenforceable; provided, however, that this provision shall not apply to any deposits of moneys of the United States and public funds deposited in accordance with the provisions of any depository act of this State, or the United States.

Security for deposit prohibited.

Section 113. Penalty for Unlawful Hypothecation of Assets. Any officer or employee of any bank doing business in this State, who, except in the manner authorized by law or the contract of the parties, hypothecates, pledges, or in any way alienates any notes, stocks, bonds, mortgages, securities or any other property coming into his hands or into the possession of said bank as collateral, for safekeeping or in any other manner, and to which the bank has not acquired full title, shall be guilty of embezzlement, and upon conviction thereof shall be punished as for other felonies.

Penalty unlawful hypothecation.

Section 114. Concealment of Loans and Discounts. Any officer or employee of any bank who intentionally conceals from the directors of such corporation or committee thereof where the directors have delegated authority to a committee to pass on loans and discounts, any discount or loan made by and in behalf of the corporation or from its assets between the regular meetings of its board of directors or committee, the purchase of any security, the sale of any of its securities, or any guarantee, repurchase agreement or any other agreement whereby the corporation is obligated, during the same period, is guilty of a misdemeanor, and on conviction, must be imprisoned in the county jail for not more than

Concealing loans and discounts.

Penalty. twelve (12) months for each offense, and may also be fined not more than Five Hundred Dollars (\$500.00), at the discretion of the court.

Transaction on holidays. **Section 115. Transaction on Holidays.** Nothing in any law of this State shall in any manner whatsoever effect the validity of, or render void or voidable, the payment certification or acceptance of a check or other negotiable instrument, or any other transaction by a bank in this State, because done or performed during any time other than regular banking hours or on a legal holiday; provided, that nothing shall be construed herein to compel any bank in this State, which by law or custom is entitled to close at twelve noon on any Saturday, or for the whole or part of any legal holiday, to keep open for transaction of business, or to perform any of the acts or transactions aforesaid on any Saturday after such hour or on any legal holiday except at its option.

Stop payment limit. **Section 116. Time Limit on Stop Payment.** No revocation, countermand, or stop-payment order relating to the payment of any check or draft against an account of a depositor in any bank doing business in this State shall remain in effect for more than ninety (90) days after the service thereof on the bank, unless the same be renewed, which renewals shall be in writing and which renewals shall be in effect for not more than ninety (90) days from date of service thereof on the bank, but such renewals may be made from time to time.

All notices affecting checks upon which revocation, countermand, or stop-payment order have been made at the time of the taking effect of this Act shall not be deemed to continue for a period of more than ninety (90) days thereafter.

Embezzlement. **Section 117. Embezzlement.** Any banker, officer, director or employee of any bank who embezzles or abstracts or misapplies any of the moneys, funds, credits, or property of the bank when owned by it or held in trust; or who issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, with intent, in any case to injure or defraud the bank or any person or corporation, or to deceive any officer of the bank, or any

other person, or any one appointed to examine the affairs of such bank, or any person, who with like intent, aids or abets any officer, clerk or employee in the violation of this Section, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the state penitentiary for a period of not exceeding twenty (20) years.

Section 118. **False Statement to Obtain Loan.** Whoever shall make any statement, knowing it to be false, for the purpose of obtaining for himself or for any other person, firm, corporation, or association a loan of money from any bank, or for the purpose of gaining an extension of time of payment of any debt due such bank, shall be punished by a fine of not more than One Thousand Dollars (\$1000.00) or by imprisonment in the county jail for not more than one year, or both.

False statement to obtain loan.

Section 120. **Persons Previously Convicted Under Banking Laws.** It shall be unlawful for any one having been convicted of the violations of the banking laws of any state or nation, to accept employment in a bank in this State, without first stating said facts to the directors of said bank. No such person shall be employed in any bank without the approval of the Superintendent of Banks, granted in writing after a full consideration of the facts.

Employment of previously convicted.

LIQUIDATION OF BANKS.

Section 121. **Grounds for Closing Bank.** Whenever it shall appear to the Superintendent of Banks that:

(1) Any bank has wilfully violated its charter or any law of this State; or,

Liquidation of banks.

(2) Has wilfully violated any general rule or regulation of the Superintendent, made in accordance with law; or

(3). That the capital of any bank is impaired or for any reason is below the amount required by law and has not been made good after notice, as provided by law, or without such notice, in event a majority of the board of directors of such bank notify the Superintendent in writing that the same cannot be made good; or,

Grounds for closing banks.

(4) That such bank cannot meet or has failed to meet its liabilities or any of the same, as they become due in the regular course of business; or,

(5) That its reserve has fallen below the amount required by law and it has failed to make good such reserve within thirty (30) days after being requested to do so by the Superintendent, or, without such notice, if a majority of the directors, in writing, notify the Superintendent that such reserve cannot be made good within thirty (30) days, or if it is continually allowing its reserve to fall below the required amount; or,

(6) That it is conducting business in an unsafe and unauthorized manner, or is in an unsafe or unsound condition; or,

(7) It has refused to submit its papers, books and concerns to the inspection of the Superintendent or his authorized agent or representative; or,

(8) That any officer of such bank has refused to be examined on oath touching the affairs, business or concerns of any bank insofar as such relate to the solvency of the bank or matters having to do with the supervision by the Superintendent.

Superintendent
may close on
his own
discretion.

The Superintendent himself, or his duly authorized agent upon express authority from the Superintendent, may, in his discretion close said bank and take possession of all the books, records, assets and business of every description of such bank, and hold the same and retain possession thereof until such bank shall be authorized by him to resume business, or its affairs be liquidated as herein provided, and he shall do so in cases where a bank comes into his hands voluntarily, or in the manner provided by law.

Powers
discretionary
not mandatory.

The powers and authority conferred on the Superintendent by this Section, except in cases of voluntary surrender, shall be considered as discretionary and not as mandatory, and so long as a Superintendent acts in good faith in the matter, neither he nor his deputies shall be held liable civilly or criminally or upon their official bonds in any action taken thereunder or for any failure to act thereunder.

Penalty
forclosing
bank with
criminal intent.

Section 122. Penalty for Closing Bank With Criminal Intent. If any Superintendent of Banks or official in the Department of Banking, shall, as a result of malice or for personal gain, declare any bank insolvent, he shall, upon conviction thereof, be subject to punishment by fine not exceeding One Thousand Dollars (\$1,000.00) or

imprisonment in the county jail not exceeding one (1) year, or both, within the discretion of the court and shall forfeit his office.

Section 123. **Bank May Be Placed in Superintendent's Possession.** Any bank may place its affairs and assets under the control and in the possession of the Superintendent by posting a notice on the front door of such bank, indicating that said bank is in his hands, which notice shall be signed, in their own handwriting, by a majority of the directors in office of such bank. Immediately upon the posting of such notice by any bank, it shall notify the Superintendent thereof.

Superintendent may take possession.

Section 124. **Effect of Posting Notice.** The posting of such notice by the directors of any bank, or of a like notice signed by the Superintendent, shall be sufficient to place all assets and property of such bank, of whatever nature and wherever situate, in possession of the Superintendent, and shall operate as a bar to any attachment or any other legal proceedings against such bank or its assets, and no valid lien or claim can be acquired or created, or transfer or assignment made in any manner, binding or affecting any of the assets of such bank after the posting of such notice or after taking possession of any bank by the Superintendent without his consent.

Effect of posting notice.

Section 125. **Taking Possession of Bank. Notice.** On taking possession of the assets and business of the bank, the Superintendent shall, in addition to posting notice thereof on the front door of such bank as aforesaid, also notify at once, personally or by wire, all corresponding banks, and any and all persons or corporations known to him to be holding or in possession of, any of the estate of such bank.

Taking possession.

Notice.

Section 126. **Resumption After Closing.** After the Superintendent has taken possession of any bank, he may permit such bank to resume business upon such conditions as may be approved by him.

Resumption after closing.

Section 127. **Powers of Superintendent on Closing Bank.** Upon taking the assets and business of any bank into his possession, the Superintendent is authorized to collect all moneys due to such bank, and to do such other acts as are necessary to conserve its assets and business, and he shall proceed to liquidate the affairs thereof. He

Powers of Superintendent in closing bank.

Suits.

shall have general and inclusive power and authority, except as otherwise limited by the terms of this Act, to do any and all acts, to take any and all steps necessary, or, in his discretion, desirable for the protection of the property and assets of such bank and the speedy and economical liquidation of the assets and affairs of such bank and the payment of its creditors, or for the re-opening and resumption of business by said bank, where that is practicable or desirable. He may institute, in his own name as Superintendent, or in the name of the bank, such suits and actions and other legal proceedings as he deems expedient for such purposes, and by making application to the District Court of the county in which such bank is located, or to the judge thereof, in chambers, may procure an order to sell, compromise or compound any bad or doubtful debt or claim, and to sell and dispose of any or all the assets, which sale may be made to stockholders, officers, directors, or others interested in such bank, on consent of the court. On such court proceedings the bank shall be made a party by notice issued on order of the court or judge, in lieu of summons, and served upon some officer of the bank, if any there be in the county, but if no officer can be found in the county then the same shall be posted in manner and form the same as probate notices. That is in three (3) public places in the county for at least ten (10) days before the day of hearing thereon. The hearing of any such application or petition by the Superintendent may be had at any time, either in term or vacation in court, or in chambers, as the court may order, after said bank has had five (5) days' notice of such application, or the notice has remained posted for at least ten (10) days.

Recourse of
aggrieved
bank.

Section 128. Recourse of Aggrieved Bank. Any bank deeming itself aggrieved by the action of Superintendent in taking possession of its assets or closing its doors may, within ten (10) days after such possession shall have been taken, apply to the District Court of the county in which its principal place of business is located, or to the judge thereof in chambers, to enjoin further proceedings by the Superintendent, and the court or the judge thereof in chambers, after notifying the Superintendent to appear at a specified time and place to show cause why further proceedings should not be enjoined, and after hearing the allegations and proofs of the parties, and determining facts, may, on the merits, dismiss such application, or enjoin the Superintendent,

from further proceeding and direct him to surrender the business and assets of said bank. Such application for injunction may be heard at any time after five (5) days' notice from the time of service on said Superintendent, in the discretion of the court, or the judge thereof, or at any time prior thereto by the consent of the Superintendent. Application therefor shall be made on the verified complaint of the bank, in the ordinary form used in civil actions in District Court, and a copy of such complaint shall be served on the Superintendent with the order to show cause. The Superintendent shall, at least two (2) days before the time set for hearing, file in the cause, and serve upon counsel for plaintiff an answer to the complaint, also in the ordinary form used in civil actions in the District Court. Demurrers and motions directed to pleadings are not permissible in proceedings had under this Section, but any questions raised by demurrer or motion in other actions may be raised in the answer. On the issues thus made on the complaint and answer, the court, or the judge thereof at chambers, at the time fixed for showing cause, or at such other time to which he, in his discretion, may continue the same, shall try the matter on the merits by hearing the allegations and proofs of the parties, in the same manner as on the trial of ordinary civil actions in the District Court, and the rules governing the trial of ordinary civil actions and for the production and taking of evidence and hearing the examinations of witnesses and the entry of findings and judgments therein, shall prevail. In event the Superintendent makes no appearance in the time limited, the court shall enter his default and proceed to hear the proofs of the plaintiff in like manner as in civil actions under similar circumstances, and enter judgment accordingly. The Judgment entered either after hearing on the merits or by default, shall be final judgment from which either party shall have the right, by notice filed within twenty (20) days after entry, to appeal to the Supreme Court, in the same manner as from final judgment in a civil action. Provided, however, that during the pendency of such litigation the Superintendent of Banks shall take such action in relation to the assets of said bank as is necessary to conserve them.

Application of
bank to enjoin
Superintendent.

Answer.

Appeal.

Section 129. **Superintendent May Appoint Agents.** The Superintendent may, under his hand and seal, appoint and authorize an agent to assist him or act for him

Superintendent
may appoint
agents.

in the performance of any powers or duties hereunder, the certificate of appointment to be filed in the office of said Superintendent, and a certified copy thereof delivered to such agent. Such agent and other employees hereinafter mentioned, shall receive a salary, to be fixed as hereinafter provided, for the time he is actually engaged in the performance of such duties. The Superintendent may also employ such attorneys and procure such expert accountants and other experts, assistants and employees as may be necessary in the liquidation and distribution of the assets of any such bank, and the performance of his duties hereunder, and may retain such of the officers or employees of such bank as he may deem necessary. He shall require from the agent appointed by him and from such of the assistants as will have charge of any of the assets of the bank such security for the faithful discharge of their duties as he may deem proper.

General
liquidating
agent.

Provided, further, that the Superintendent may also designate any one of the examiners of the Department of Banking as a general liquidating agent, with his office in the Department of Banking, for the purpose of liquidating any one or all state banks in the process of liquidation, and for the purpose of conducting such liquidation under the direction of said Superintendent; and may authorize the said liquidating agent to employ such clerical help as may be necessary. Such liquidating agent shall receive a salary to be fixed by the Superintendent of Banks, not to exceed Three Thousand Six Hundred Dollars (\$3,600.00) per year, and necessary traveling and hotel expenses incurred in the performance of his official duties. The salary of the liquidating agent and necessary clerical assistance, and other expenses incurred by the said liquidating agent shall be borne equally and ratably by the bank or banks in process of liquidation under such agent's charge in proportion to the total amount of resources of each of such banks. The funds for such expenses shall be raised by assessing each bank in ratio herein set forth and paying such expenses direct to the persons entitled thereto, without depositing any of such funds in the State Treasury.

Compensation
of agents
and attorneys.

Section 130. Compensation of Agents and Attorneys. The compensation of the agents, appointed by the Superintendent, and of attorneys, expert accountants and other assistants, and all expenses of liquidation and distribu-

tion of a bank whose assets and business shall be taken possession of by the Superintendent, shall be fixed by the Superintendent, but subject to be approved by the judge of the District Court of the county in which the bank is located, on notice of such bank, and the Superintendent of Banks shall upon written request of said District Judge supply semi-annual statements showing the condition of said bank in process of liquidation. Except in cases of emergency, the compensation to be paid to attorneys and expert accountants shall be fixed and approved before services are rendered. When the compensation shall have been so fixed and approved and the services rendered, the same shall be paid out of the funds of such bank in the hands of the Superintendent, and shall be a proper charge and lien on the assets of such bank as herein provided.

Section 131. Notice to Creditors of Insolvent Bank.

The Superintendent shall cause notice to be given by advertisement in a newspaper of general circulation in the town or city in which said bank is situated, if there be one, and if not, then in such other newspaper published in the State of Montana, as the Superintendent shall designate, once a week for two successive weeks, calling on all persons who have claims against said bank to present the same to the Superintendent or his duly authorized agent at a place to be specified in said notice, and to make sworn proof thereof, in form to be fixed by him, within the time specified in said notice, not less than ninety days from the date of the first publication thereof. A copy of such notice shall be mailed to all persons whose names appear as creditors upon the books of the bank.

Notice to
creditors of
insolvent bank.

Section 132. Claims; Allowance and Rejection.

The Superintendent shall reject or allow all claims in the whole or in part, and on each claim allowed shall designate the order of its priority. If a claim is rejected or an order of priority allowed lower than that claimed, notice shall be given the claimant personally or by registered mail, and an affidavit of the service of such notice, which shall be prima facie evidence thereof, filed in the office of the Superintendent. The action of the Superintendent shall be final unless an action be brought by the claimant against the bank in the proper court of the county where the bank is located within Ninety days after such service to fix the amount of the claim

Claims.

Allowance and
rejection.

Appeal.

and its order of priority or either. An appeal from the Superintendent's allowance, either as to priority or amount, may also be taken to the district court of such county by any party in interest by serving on the Superintendent notice thereof, stating the grounds of objection and filing the same in said court within thirty days after allowance. Within five days after such notice, the Superintendent shall file in the court, and serve on the appellant, a copy of the claim and his reasons for allowance. The court or judge shall, after five days' notice of time and place of hearing on the issues thus made, hear the proof of the parties and enter judgment reversing, affirming or modifying the Superintendent's action.

Payment of claims.

Section 133. Payment of Claims. Claims presented to the Superintendent prior to the expiration of the time fixed in the notice to creditors therefor, and allowed by him, shall be paid in the order of priority hereinafter fixed. Those filed after such expiration and prior to one year thereafter shall be entitled, after they have been allowed by the Superintendent, to share in the distribution of the assets of the bank only to the extent of the assets undistributed in the hands of the Superintendent and available for the payment of claims of their order of priority at the time such claims are filed, but as against other claims of their same order of priority, on which dividends have been paid, they shall be entitled to payment in a proportionate amount before further payments are made on such other claims. All claims filed after the expiration of one year following the date fixed in the notice to creditors as the time for presentation of claims are not entitled to be allowed or paid unless all other creditors' claims of any kind or character, except claims of shareholders, based on stock or assessments paid on stock shall have been fully paid and discharged, and a surplus remains in the hands of the Superintendent, and then only from such surplus.

Limitation of presenting claims.

Claims order of payment.

Section 134. Claims; Order of Payment. Priorities. The Order of payment of the debts of a bank liquidated by the Superintendent shall be as follows:

Priorities.

(1) The expense of liquidation, including compensation of agents, employees and attorneys.

(2) All funds held by the bank in trust.

(3) All funds of any other bank in process of liquidation by the Superintendent of Banks and placed on de-

posit by the Superintendent of Banks during the period of liquidation thereof.

(4) Debts due depositors, holders of cashier's checks, certified checks, drafts on correspondent banks, including protest fees, paid by them on valid checks or drafts presented after closing of the bank, pro rata. All deposit balances of other banks or trust companies and all deposits of public funds of every kind and character (except those actually placed on special deposit under the statutes providing therefor) including those of the United States, the State of Montana, and every county, district, municipality, political subdivision or public corporation of this state, whether secured or unsecured, or whether deposited in violation of law or otherwise, are included within the terms of this subdivision and take the same priority as debts due any other depositor. All contractual liabilities pro rata.

(5) Interest on all the foregoing classes of claims without regard to the priority of the principal computed as follows:

Savings accounts at the same rate they bore at the time of the closing of the bank until the next regular date for the computation and crediting of the interest thereon, and thereafter at the rate of seven per cent (7%) per annum; time certificates of deposit at the rate fixed in the certificate until the same becomes due by their terms, and thereafter at the rate of seven per cent (7%) per annum; all other contractual obligations bearing interest at the rate they bore at the time of closing until due by their terms, and thereafter at seven per cent (7%) per annum, and those not bearing interest, at the rate of seven per cent (7%) per annum from the time when said bank came into the possession of the Superintendent; no interest to be compounded.

(6) Unliquidated claims for Damages and the like. Provided, however, that the Superintendent may, in his discretion, without regard to the priorities herein fixed in subdivisions 3, 4, 5, and 6 of this section, or in preference to the payment of any claims of creditors within these subdivisions, pay off and discharge any lien, claim or charge against the assets or property of the bank in his hands and pay out and expend such sums as he deems necessary for the preservation, maintenance, conservation and protection of any such assets and prop-

Unliquidated
claims.

erty, and likewise property on which the bank has liens by mortgage or otherwise; and he may also, in his discretion, create a fund or retain in his hands in preference to the claim of any creditors in the subdivisions above mentioned moneys for the aforesaid purposes.

Collateral as
pledge or
security.

Collateral which shall have been put up or pledged as security for the payment of bills payable by any bank, or any loans or discounts which shall have been outstanding as rediscounts of any bank prior to the closing thereof, shall not be available to the other creditors of such bank in whole or in part until such bills payable or rediscounts shall have been retired, after which offsets as in this section provided shall be allowed.

Deposits.

Deposits of any person, firm or corporation in a bank which is in the possession of the Superintendent, may be offset against any indebtedness, (subject to the conditions of the preceding paragraph of this section), except assessments on stock, due to such bank from such person, firm or corporation. All dividends when declared in favor of any creditor of the bank may be applied, in the discretion of the Superintendent, in satisfaction of the indebtedness, if any, due the bank from such creditor.

Offset to
indebtedness.

Claims.

Section 135. Claims; Partial Payments. The Superintendent need not await the expiration of the time allowed for filing claims, as fixed in the notice to the creditors, for the payment of dividends, but he may, in his discretion, and if under the circumstances of the particular case he deems it expedient and safe, at any time after taking possession of said bank and prior to the expiration of such period fixed for filing of claims, if he have on hand in cash sufficient funds over and above the expenses of liquidation, make pro rata distribution to any class of creditors next entitled thereto, in the order of priority heretofore fixed, making such payment to said creditors as they appear on the books and records of the bank and determining the priority and basing his apportionment on the amount shown to be due by such books and records. At any time after the expiration of the date fixed for the presentation of claims against said bank and from time to time thereafter, when, in his discretion there are sufficient funds available therefor, the Superintendent shall, after making proper provisions for the payment of expenses of liquidation, declare and pay dividends to all creditors

Partial
payments
when made.

of such bank pro rata in the order of their priority. If, after the time fixed for presentation of claims against the bank has expired, it appears that any person, prior to the expiration of said period, or at any other time, has been paid more than the pro rata amount due him as compared with the amounts then paid other creditors, nothing more shall be paid said creditors until such time as the payment made other creditors shall place them on equal footing. In calculating dividends, all disputed claims and deposits shall be taken into account and the amount of dividends upon such disputed claims or deposits shall be held by the Superintendent until the justice and validity of such claims or deposits shall have been finally determined. Claims against any bank in process of liquidation may be assigned as a whole, but partial assignments of such claims, shall not be valid against the Superintendent of Banks or his agents in charge of such bank, nor recognized by them. Assignments of claims shall be binding upon the Superintendent only after the same have been filed and allowed by the Superintendent, but not before, and only then subject to the payment of the assignor's liabilities to the bank. Such assignment shall be made by filing written notice, signed by the original claimant, with the Superintendent or person in charge of said bank. No assigned claims may be offset against obligations due the bank. A check or draft drawn against any bank closed or taken possession of by the Superintendent, whether issued before or after closing thereof, shall not be recognized as a claim against said bank, or as an assignment of any amount, whether protested or not protested.

Payment of
late claims.

Dividends how
calculated.

Assignment
of claims.

Section 136. Deposit of Funds in Superintendent's Hands. All funds in the hands of the Superintendent belonging to any bank in process of liquidation shall be deposited in his name as Superintendent in such banks within the state as may be selected and designated by him and subject to his checks as Superintendent of Banks. Said funds to be preferred and protested as in this Act provided.

Deposit of
funds in
superintendent's
hands.

Section 137. Disposition of Unclaimed Funds. The Superintendent shall certify to the Treasurer of the State a complete list of funds remaining in his hands uncalled for, which have been left in his hands in his official capacity, in trust for depositors in and creditors

Disposition of
unclaimed
funds.

of any liquidated bank after they have been held by him for six months from the date of the final liquidation of the institution. Along with this certificate, he shall transmit to the Treasurer of the State the funds with accumulated interest thereon, which he has so held in trust for six months. A copy of such certificate shall also be filed with the state auditor, who shall make a record thereof.

Unpaid
claimant.

How to present
claim.

Any depositor or creditor of a liquidated bank who has not been paid the amount standing to his credit as thus certified to the State Treasurer, may apply to the Superintendent for the amount due him, after it has been certified into the treasury of the state. The depositor or creditor shall make an affidavit and offer proof of his identity and of the amount due him by the liquidated bank. When satisfied as to the correctness of the claim and of the identity of the person, the Superintendent shall approve the claim and forward it to the auditor, who shall audit the same and if found correct issue his warrant payable to the depositor or creditor for the amount shown by the records, to be due such depositor or creditor which shall be paid by the treasurer.

Disposition of
assets
remaining
after payment
of claims.

Section 138. Disposition of Assets Remaining After Payment of Claims. Whenever the Superintendent has paid to each and every depositor and creditor of such bank whose claims shall have been duly approved and allowed as herein provided, the full amount thereof, and shall have made proper provisions for unclaimed and unpaid deposits and disputed claims and deposits, and shall have paid all the expenses of liquidation and likewise repaid the stockholders all assessments paid by them under order of the Superintendent; or, if the assets of said bank be insufficient for making said payments, then, whenever the Superintendent has liquidated all available assets and disbursed the same as herein provided, the Superintendent shall make application to the district court of the county in which such bank is located, or to the judge thereof in chambers for an order authorizing the Superintendent, if there be remaining assets on hand, to surrender the same to the directors of said bank in office at the time of closing the same, as trustees for stockholders, or to such other person or persons, if any, as have been designated as trustees by the stockholders at a meeting lawfully called

Surrender to
directors how
made.

and assembled for such purpose, in like manner as any other stockholders' meeting. Said order shall also provide that upon the surrender of said assets, as in said order directed, and where there are no remaining assets, then, upon the entry of the order, the Superintendent shall be discharged from all further liability or responsibility in connection with the assets and affairs of said bank and that the charter of said bank shall be forfeited. The court may require such trustees to give bond in such amount as the court may fix, conditioned for the faithful performance of their duties. It shall be the duty of the said trustee or trustees to complete the liquidation of any remaining assets as rapidly as may be and to distribute the proceeds of the same pro rata among the stockholders, or to dispose of the same in such other manner as the stockholders shall, by a majority vote, at a meeting assembled for that purpose, direct. On application for such order, the bank shall be made a part by notice issued on order of the court or judge, in lieu of summons, but served in like manner, and the hearing of any such application may be had at any time in court or in chambers, as the court may order, after five days' notice of the hearing.

Appointment
of trustee.

Section 139. Bank in Voluntary Liquidation May Proceed—How and When. Banks now in process of voluntary liquidation under the terms of Section 6109-E, Chapter 90 of the Session Laws of the Eighteenth Legislative Assembly 1923 may continue and complete liquidation of their assets; and Chapter 90, Section 6109-E Laws of 1923 and each and every provision thereof shall continue in full force and effect for the purpose of enabling banks now in process of liquidation to complete and continue their liquidation in the manner now therein provided.

Voluntary
liquidation
how and when.

Section 140. Banks Liquidating by Receivers. The liquidation of banks now in process of liquidation by receivers appointed by courts of competent jurisdiction, may be continued and concluded in manner and form as now provided by the laws of Montana, and all of the statutes of Montana in effect at the time of the passage and approval of this Act are continued in force for the purpose of the liquidation of such banks only, provided that any district court having jurisdiction of any such receivership may at any time after this Act takes effect, discharge a receiver and order the liquidation to be

Liquidating by
receivers.

continued by the Superintendent of Banks in accordance with the provisions of this Act, relative to the liquidation of banks by the Superintendent, except that in such case the assets still remaining undistributed and yet to be paid out must be distributed in manner and form and to the same persons who would have been entitled to the same if no change had been made in the personnel of the liquidating officer.

Effect of act
on existing
banks.

Section 141. **Effect of Act on Existing Banks.** The powers, privileges, duties and restrictions heretofore conferred and imposed upon any bank or trust company now existing and doing business under the laws of this State, are hereby abridged, enlarged or modified as each particular case may require to conform with the provisions of this chapter.

Saving clause.

Section 142. If any part or section of this Act shall be adjudged by the courts to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole or any part thereof which can be given effect without the part adjudged to be unconstitutional or invalid.

Penalties.

Section 143. **Punishment.** When no other punishment is provided herein, any person wilfully or knowingly violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. The Attorney General upon information furnished by the Superintendent of Banks, shall bring any actions necessary to enforce the provisions of this Act.

Repealed
statutes.

Section 144. **Repealing.** Sections 6014 to 6085 inclusive, 6088 to 6109 of the Revised Codes of Montana 1921, Chapters 9, 84, 90 and 93, Laws 1923, Chapters 57, 65, 72, 73 and 98 Session Laws 1925, and all Acts amendatory thereof, and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, except that those parts of Chapter 90 of the Laws of 1923, having to do with voluntary liquidation of banks, and those parts of Sections 6100 to 6105 inclusive, of the Revised Codes of Montana, 1921, having to do with appointment of Receivers of state banks and their duties, shall be continued in effect for

such purposes only as hereinbefore provided, and such parts of Section 6036 of the Revised Codes of Montana, 1921, as amended by Chapter 9 of the Laws of 1923 or as may be hereafter amended having to do with liability of stockholders of those banks now being liquidated through a court and the paying and collection of such liability as is therein provided, shall be continued in full force and effect until such bank or banks shall have been fully liquidated.

Section 145. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 90.

An Act to Amend Section 3787 of the Revised Codes of Montana, 1921, Relating to the Salary of Inspector for the State Board of Railroad Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3787 of the Revised Codes of Montana, 1921, shall be, and the same hereby is amended to read as follows:

“**Section 3787.** The salary of the Senior Inspector appointed by, and working under, the Board of Railroad Commissioners of the State of Montana shall be, and the same is hereby fixed at, the sum of Two Thousand Five Hundred Dollars (\$2,500.00) per annum, payable monthly.”

Salary of
senior
inspector.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. The appropriation for increase herein provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 91.

An Act Amending the Defining Clause of the Revised Codes of Montana, 1921, Section 3186, to Include the Drug, Mariahuana (Cannabis Indica).

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3186 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Section 3186. Sale of Opium, Morphine, Mariahuana, and Their Derivitives. It shall be unlawful for any person to sell, furnish, or dispose of any opium, morphine, alkaloid-cocaine, or alpha or beta eucaine, or codeine, or heroin, or mariahuana (Cannabis Indica), or any derivative, mixture, or preparation of any of them except upon the signed prescription of a physician or veterinarian duly licensed under the laws of the State; which prescription should be retained by the person dispensing the same, shall be filled but once, and of which no copy shall be taken by any person except as hereafter provided. The person dispensing the same at the time thereof shall endorse on the back of such prescription, the name, street, and house number of the person to whom dispensed; and the proprietor or manager of the store where dispensed shall keep the prescriptions in a permanent file, separate from all other prescriptions, in his place of business for the period of two (2) years after the same should have been dispensed, and at any time shall allow the same to be inspected and copies thereof to be made by any peace officer, prosecuting attorney of the county where sold, or any authorized instructor of drugs, provided that nothing herein contained shall prohibit any manufacturer or licensed druggist from selling or delivering any of the above named to a person known to be a licenesd physician, licensed veterinarian, or licensed druggist, nor prohibit a physician or veterinarian from dispensing the same in good faith to his patients, nor prohibit the sale of patent or proprietary or medicinal preparations containing opium or morphine in combination or compound with other active elements, where the dose of opium is less than one-quarter grain, or morphine in more than one-twentieth grain, or codeine in more than one-quarter grain, or heroin in more than one-twelfth grain, or in which Mariahuana (Can-

Prescription
only.

Endorsement.

File.

Proviso for
licensed
handlers.

nabis Indica) is present in quantities not greater than one-fourth grain of the solid extract to the fluid or avoirdupois ounce.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1927.

CHAPTER 92.

An Act Relating to the Giving of Notice on Application for Tax Deeds by Counties, Cities and Towns, and Legalizing and Validating Tax Deeds Heretofore Issued to Counties, Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever a county, city or town has become the purchaser of property sold for delinquent taxes, and is the holder of the certificate of sale when the time for redemption expires, the Board of County Commissioners, city or town council or commission, at any time thereafter deemed proper, may order and direct the county clerk, city or town clerk, to apply to the county, city or town treasurer, as the case may be, for the issuance to the county, city or town, of a tax deed for such property, and it shall then be the duty of the county clerk, city or town clerk, to give or post and cause to be published the proper notice of the application for such tax deed and to make the proper proof thereof, all in the manner required by Section 2209 Revised Codes of Montana 1921.

Tax deed how
procured,
application.

Section 2. All tax deeds heretofore issued to counties, cities and towns, if in all other respects issued in conformity with law, shall be deemed and held to be legal, valid and subsisting deeds and sufficient in law to convey the legal title to the premises therein described to the county, city or town to which issued, and shall be received in evidence in all of the courts of this State, notwithstanding the fact that notice of application for any such deed was given or posted and caused to be published and proofs thereof made by the county, city or town treasurer, or by some person acting at his direction, or by some other person acting in behalf of the county, city or town, provided such notice was actually

Legalizing and
validating
heretofore
issued tax
deeds.

given or posted and caused to be published and proof thereof made by some officer of the county, city or town, or by some person acting in behalf of such county, city or town.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 93.

An Act to Amend Section 8868 of the Revised Codes of the State of Montana of 1921, Relating to Cases in Which a Judge May Be Disqualified, Providing for the Calling in of Another Judge, and Providing for the Time in Which to File Affidavits of Disqualification.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8868 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 8868. Cases in Which Judge May Be Disqualified—Calling in Another Judge. Any Justice, Judge, or Justice of the Peace must not sit or act as such in any action or proceeding:

1. To which he is a party, or in which he is interested;

When a judge
may be
disqualified.

2. When he is related to either party by consanguinity or affinity within the sixth degree, computed according to the rules of law;

3. When he has been attorney or counsel for either party in the action or proceeding, or when he rendered or made the judgment, order, or decision appealed from;

Filing of
affidavit.

4. When either party makes and files an affidavit as hereinafter provided, that he has reason to believe, and does believe, he cannot have a fair and impartial hearing or trial before a District Judge by reason of the bias or prejudice of such Judge. Such affidavit

may be made by any party to an action, motion, or proceeding, personally, or by his attorney or agent, and shall be filed with the Clerk of the District Court in which the same may be pending at least five days before the day appointed or fixed for the hearing or trial of any such action, motion or proceeding, (providing such party shall have had notice of the hearing of such action, motion, or proceeding for at least the period of five days and in case he shall not have had notice for such length of time, he shall file such affidavit immediately upon receiving such notice). Upon the filing of the affidavit, the Judge as to whom said disqualification is averred shall be without authority to act further in the action, motion, or proceeding, but the provisions of this section do not apply to the arrangement of the calendar, the regulation of the order of business, the power of transferring the action or proceeding to some other court, nor to the power of calling in another District Judge to sit and act in such action or proceeding, providing that no Judge shall so arrange the calendar so as to defeat the purposes of this section. No more than two Judges can be disqualified for bias or prejudice, in said action or proceeding, at the instance of the plaintiff, and no more than two at the instance of the defendant, in said action or proceeding, and this limitation shall apply however many parties or persons in interest may be plaintiffs or defendants in such action or proceeding. If there be more than one judge in any Judicial District in which said affidavit is made and filed, upon the first disqualification of a Judge in the cause, another Judge, residing in the Judicial District wherein the affidavit is made and filed, must be called in to preside in such action, motion, or proceeding; and upon the second or any subsequent disqualification of a Judge in the cause, a District Judge of another judicial district of the state must be called in to preside in such action, motion, or proceeding, or the action, motion, or proceeding transferred to a District Judge of another judicial district of the state; when another Judge has assumed jurisdiction of an action, motion, or proceeding, the Clerk of the District Court in which the same was pending, shall at once notify the parties or their attorneys of record in the same, either personally or by registered mail, of the name of the Judge called in, or to whom such action, motion, or proceeding was transferred. Such second or subsequent affidavit of

When filed.

Jurisdiction.

Calling
another judge.

Limit.

What judge
is called.

Notice.

When second
affidavit must
be filed.

disqualification shall be filed with the Clerk of the District Court in which such action, motion or proceeding may be pending within three days after the party or his attorney of record, filing such affidavit, has received notice as to the Judge assuming jurisdiction of such action, motion, or proceeding."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1927.

CHAPTER 94.

An Act to Amend Sections 1266, 1267 and 1270 of the Revised Codes of Montana, 1921, Relating to Board of Trustees of County High Schools, Composition Thereof, Appointment and Term of Office of Trustees; By Whom and When Appointed, and Beginning of Term of Office and Residence; Organization of the Board of Trustees and Time Thereof, Officers of Board and Term of Office, and Who to Be Treasurer of the Board and Custodian of the Funds Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1266 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Composition
of trustees.

"**Section 1266.** The Board of Trustees shall consist of seven (7) members, of which the County Superintendent shall be a member, and the remaining six (6) members shall be appointed by the County Commissioners. The term of office of Trustees, other than the County Superintendent, except as is especially provided for in Section 1267 of this Code, shall be two (2) years and until their successors are appointed and qualified."

Term.

Section 2. That Section 1267 of the Revised Codes of Montana 1921, be, and the same is hereby amended to read as follows:

Appointment.

"**Section 1267.** The County Commissioner shall appoint at their regular meeting in December 1927, two (2) Trustees, one for a term of two (2) years, and one (1) for a term of one (1) year, and, annually thereafter at their regular meeting in December, they shall ap-

point three (3) Trustees for a two (2) year term, their terms to begin on the first day of January after such appointment.

Of the Trustees appointed not more than two shall be residents outside of the school district in which the high school is located, and the two Trustees residents outside of the school district in which the high school is located, must be appointed in different years."

Qualifications.

Section 3. That Section 1270 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

"**Section 1270.** At their regular January meeting in each year, the trustees shall choose from their number a President, Vice-President, and Secretary, who shall hold office for one (1) year, or until their successors have been appointed and qualified, and said trustees shall have authority to make all necessary rules for their government, not inconsistent with the law. The County Treasurer of the County shall be the Treasurer of the Board and the custodian of all funds available for school purposes."

Officers of trustees.
Term.

Authority.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1927.

CHAPTER 95.

An Act for the Protection of the Forest and Forest Lands Within the State of Montana and to Repeal Sections 2765, 2771, 2772, and 2773 of the Revised Codes of Montana and All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Land Commissioners may, in its discretion, list any of the State's forest lands with any qualified agency engaged in patrolling, preventing, and suppressing forest fires. The state shall bear and pay its proper share of the cost of protection from fire of the lands so listed. Such moneys as the state shall become liable for under the provisions of

Listing with agencies.

this Section shall be paid from any funds provided by law for the protection of State forests and forest lands.

Fire declared
public
nuisance.

Section 2. Any uncontrolled or spreading fire in forest material in the State of Montana, from May 1 to September 30, inclusive, is hereby declared a public nuisance. The person, firm, or corporation on whose property such fire exists or from whose property such fire spreads, is hereby made responsible, to the extent hereinafter set forth for its control and extinguishment.

Owner
responsible.

If the person, firm or corporation thus responsible, shall refuse, or neglect, or fail to take reasonable steps to control or extinguish it, the State Forester, the United States or any organized and functioning forest protective association recognized by the State Forester,

Nuisance how
abated.

may summarily abate such nuisance by controlling or extinguishing the fire, and the cost thereof may be recovered from such person, firm or corporation responsible for such fire by the State of Montana, or the United States, or the Association, which extinguished or controlled it. If the person, firm or corporation shall fail to pay in full the total amount due within thirty (30) days after date of written demand for payment, such amount may be collected in an action for debt by the state, the United States, or the Association which abated the nuisance.

Expenses how
collected.

When not
liable.

Provided, that when any person, firm or corporation has listed his lands with any such regularly organized and functioning forest protective association recognized by the State Forester, or with the State Forester or the United States Forest Service, it shall be considered that he has taken reasonable steps to control and extinguish fires as described in this section except such fires as may be the result of his negligent acts, conduct or operations.

Definition
forest land.

Section 3. For the purpose of this Act, "Forest Land" shall mean any land which has thereon slashings, brush, inflammable forest growth of any kind, or size, living or dead, or standing or down, including debris, or forest cover of any kinds.

Definition
forest material.

"Forest Material" shall be held to mean trees, poles, logs, pilings, slabs, ties, stumps, cordwood, bark sticks, slashings, wood, brush, cuttings, refuse, weeds, grass, twigs, leaves, and litter within or adjacent to standing timber, cut-over land, or burned-over forest land, and

every kind of forest products lying or piled upon the land.

Section 4. To insure the protection of lives and property, no person shall burn any forest material of the kind defined by this Act within the State of Montana during the period from May 1 to September 30, inclusive, of each year, which period is hereby designated as the closed season, without first obtaining written permission to burn, from the State Forester or his authorized representative, a fire warden, or a ranger. Said permit shall fix the time for setting out fires and the particular period within which a fire may be set out and allowed to continue burning, and no fire shall be set without reasonable precaution having been taken and without having equipment and tools present at time of setting the fire to control the same, and the said fire shall be watched by the person setting the fire until it is out. Anyone violating any provisions of this Section shall, upon conviction thereof, be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the County Jail not less than ten (10) nor more than ninety (90) days, or by both such fine and imprisonment.

Permit to burn.

Method of burning.

Penalty.

The State Forester, any of his assistants, any fire warden or ranger, may during the closed season, refuse to grant permits, or may revoke any permit, or may require any permittee to postpone the burning authorized by permit when in his judgment such action is necessary.

Granting of permits.

In times and localities of unusual forest fire hazard, the Governor, upon the advice of the State Forester, may suspend any or all permits authorized by this Section.

Suspending of permits.

Section 5. Everyone clearing right of way for any railroad, public highway, public trail, private highway, private road, trail, ditch, dike, pipe line or wire line, or any other transmission or transportation utility right of way, except temporary roads, chutes or trails used in actual logging operations, shall pile and burn all refuse timber, brush, slash or debris cut for such clearing or resulting from the cutting of material for the construction of said public or private utility unless exempted by the State Forester.

Cutting right of way.

Piling and
burning.

The piling shall be done as rapidly as cutting or clearing progresses, and burning shall be completed within one (1) year from time of cutting. If burning be done during the closed season it must be done in compliance with all the provisions of this Act relative to burning permits during the closed season.

Where
applicable.

The provisions of this Section shall apply to all clearing of rights of way on behalf of the state, county, highway districts and road districts, whether the work be done by day labor, or by contract, and less unavoidable emergency prevents, provisions shall be made by the proper officials conducting, directing, or letting said work for withholding until it is complete, a sufficient portion of the payment therefor to assure compliance with this Act.

Penalty.

Violations of any of the provisions of this Section shall be deemed a misdemeanor and be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1000.00).

Enjoining.

In addition to the penalty herein provided, the offender may be enjoined, at the instance of the State Forester, or of the fire warden of the district, from proceeding with such work until the provisions of this Section shall have been complied with; and, upon application of the State Forester, or of the fire warden of the district, to any court of competent jurisdiction, a writ of mandate shall issue compelling the offender to fully comply with the provisions hereof.

Extent of
expense.

Section 6. Every person, firm or corporation who shall hereafter cut any timber, logs, ties, posts, poles, cordwood, or pulpwood or any other forest product upon lands within the State of Montana shall remove any fire hazard to the property of others created by the slashings, incident to such cutting, by partial or complete disposal of said slashings, or by other procedure, to the extent and in the manner required by the State Forester under the conditions obtaining, provided that expenditures in excess of fifteen (15) cents per thousand (1000) feet board measure, or the equivalent thereof, of any merchantable timber cut shall not be required.

Who shall
enforce.

The State Forester and Fire Wardens acting under his authority shall enforce the provisions of this Section

and the requirements of the State Forester made thereunder.

Section 7. If any person, firm or corporation shall fail, refuse or neglect to remove slash hazards hereafter created in accordance with the requirements of the State Forester for a period of thirty (30) days after the date of a written order to remove such slash hazards forwarded by registered mail to the person, firm or corporation required by this Act to remove said slash hazards, by the State Forester or his authorized representative, the State Forester may procure the removal of the slashings, or such part thereof as he shall deem necessary and he shall immediately afterwards notify the person, firm or corporation that had failed to remove the slash hazards of the cost of their removal and demand payment of the cost thereof, which shall not be in excess of fifteen (15) cents per thousand (1000) feet board measure, or equivalent thereof, of any merchantable timber cut plus ten (10) per cent to cover additional costs incurred by the State. If payment of the sum demanded be not made to the State Forester within thirty (30) days after the date of such demand, the State Forester must transfer all papers relative to the unsatisfied demand for payment to the Attorney General of the State, who shall bring legal action on behalf of the State to recover the debt. If the amount expended by the State Forester for the removal of the slashings be not paid within the time herein required, a lien as security for the amount of the debt shall attach to the land on which the slashings were created and or the timber or other forest products cut or produced from such land from and after the date that notice of such lien shall be filed by the State Forester in the office of the Clerk and Recorder of each county in which said land is situated.

Notice for removal.

Refusal or failure.

Payment of costs.

Action.

"Slashings lien."

The lien shall be known and recorded as a "Slashings Lien."

Upon the filing of such notice in the office of the Clerk and Recorder of the proper county it shall immediately and thereafter constitute a lien upon said land and or timber or other forest products until it shall have been released or satisfied.

Section 8. Sections 2765, 2771, 2772, and 2773 of the Revised Codes of Montana and all other acts and parts of acts in conflict herewith are hereby repealed.

Saving clause.

Section 9. If any section, subdivision, sentence, or clause of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Approved March 9, 1927.

CHAPTER 96.

An Act to Amend Chapter 23 of the Revised Codes of Montana Relating to the Custodian of Records of Grand Army of Republic.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 320, 321, 322, 323, be, and the same is hereby amended to read as follows:

Custodian of records.

“Section 320. Custodian of Records of Grand Army of Republic. The Governor of the State of Montana is hereby authorized and directed to appoint a custodian of the records, mementoes, relics, documents, and archives of the Grand Army of the Republic, and the United Spanish War Veterans and history of the residents of the State of Montana who served in the army, navy or marine corps of the United States during the civil war or during the Spanish-American War. The department commander, department of Montana of the Grand Army of the Republic or department commander of the United Spanish War Veterans, department of Montana, may recommend to the Governor a suitable person to be appointed as such custodian, provided that the person appointed as such custodian must be a member of the Grand Army of the Republic of the department of Montana or of the United Spanish War Veterans, department of Montana.”

Appointment and qualifications.

Room for records.

“Section 321. Room for Storing and Safe-Keeping of Records. The Governor and Secretary of State are hereby authorized and directed to set apart a suitable room in the capitol building of the State of Montana for the storing and safe-keeping of such archives, records, etc., of the Grand Army of the Republic and United Spanish War Veterans, and said room shall be suitably furnished, and shall be under the charge of the custodian so appointed.”

"Section 322. Purposes for Which Room Shall Be Used. Said room shall be used by such custodian for the purpose of storing and exhibiting relics, mementoes, archives, and documents of the civil war, and United Spanish War Veterans and for arranging and preserving the history of the residents of Montana who served in the army, navy, or marine corps of the United States during the civil war or during the Spanish-American War, and any other literature which the department of Montana of the Grand Army of the Republic or the United Spanish War Veterans, department of Montana, may collect and desire to preserve as a part of the history of the State. Such records and exhibits shall be accessible at all times, under suitable rules and regulations, to all residents of this state, and other persons desirous of viewing such exhibits."

Purpose of
room.

"Section 323. Records to Become Property of State. All books, records, papers, relics, mementoes, and histories, and other effects of whatever nature applying to the department of the Grand Army of the Republic, or United Spanish War Veterans, and accorded space in this room, shall, whenever such department ceases to exist as a department of the Grand Army of the Republic, or United Spanish War Veterans, become the property of the State of Montana."

Records
property of
state.

"Section 324. Expenses, How Paid. The expense of collecting and maintaining such exhibits, including the salary of the custodian herein provided, shall not exceed the sum of Twelve Hundred Dollars (\$1200.00), in any one year, which shall be paid by the State Treasurer in the same manner as other expenses and salaries of the state departments and employees or officers are paid."

Expenses
and salary.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1927.

CHAPTER 97.

An Act to Amend Sections 5272 and 5276 Revised Codes of Montana 1921, Relating to Street Sprinkling in Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5272 Revised Codes of 1921, be, and the same is hereby amended so as to read as follows:

Street
sprinkling.

“Section 5272. Street Sprinkling. Whenever the council of any city or town desires to sprinkle all or any part of the streets or avenues of its city or town with water, oil, salt, or any other dust pallative, as provided in this Chapter, it shall provide, by ordinance, a method of doing said work, and of paying for the same under the following restrictions and regulations.”

Section 2. That Section 5276 Revised Codes 1921 be, and the same is hereby amended so as to read as follows:

Methods of
assessments.

“Section 5276. Same—Method of Assessment. The Assessments for the cost and expense of sprinkling streets shall be made against all of the property embraced within each sprinkling district by one of the three following methods:

Frontage
basis.

1. Frontage Basis. Each lot or parcel of land within such district, abutting upon some street upon which sprinkling is done, shall be assessed for that part of the whole cost which its street frontage bears to the street frontage of the entire district.

Area basis.

2. Area Basis. Each lot or parcel of land within such district shall be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places.

Combination
basis.

3. Combination of Frontage and Area Basis. A portion of the total cost, to be assessed in each sprinkling district, may be assessed against the several lots or parcels of land within the district by Method No. 1 on a frontage basis, and the remainder of such cost by Method No. 2 on an area basis. The proportion to be assessed in each district by each such method shall be determined and fixed by the city or town council.”

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 98.

An Act to Amend Section 662 of the Revised Codes of Montana, of 1921, Relating to the Election of County and City Central Committeemen.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 662 of the Revised Codes of Montana, of 1921, be and the same is hereby amended to read as follows:

"Section 662. County and City Central Committeemen, How Elected. There shall be elected by each political party, subject to the provisions of this Law, at said primary nominating election, a Committeeman for each election precinct, who shall be a resident of such precinct. Any elector may be placed in nomination for Committeeman of any precinct by a writing so stating, signed by such elector, and filed in the office of the County Clerk within the time required in this Act for the filing of petitions naming individuals as candidates for nomination at the regular biennial primary election. The names of the various candidates for Precinct Committeemen of each political party shall be printed on the ticket of the same in the same manner as other candidates and the voter shall express his choice among them in like manner as for such other candidates. The Committeeman thus elected shall be the representative of his political party in and for such precinct in all Ward or Subdivision Committees that may be formed. The Committeemen elected in each precinct in each county shall constitute the County Central Committee of each of said respective political parties. Those Committeemen who reside within the limits of any incorporated city or town shall constitute ex-officio the City Central Committee of each of said respective political parties, and shall have the same power and jurisdiction as to the business of their several parties in such city

Central
committeemen.

How elected.

Duties.

Period.	matters that the County Committee has in county matters, save only the power to fill vacancies in said Committee, which power is vested in the County Central Committee. Each Committeeman shall hold such position for the term of two years from the date of the first meeting of said Committee immediately following their election. In case of a vacancy happening on account of death, resignation, removal from the precinct, or otherwise, the remaining members of said County Committee may select a Committeeman to fill the vacancy and he shall be a resident of the precinct in which the vacancy occurred. Said County and City Central Committees shall have the power to make rules and regulations for the government of their respective political parties in each county and city, not inconsistent with any of the provisions of this Law, and to elect the county members of the State Central Committee, and of the members of the Congressional Committee, and said Committee shall have the same power to fill all vacancies and make rules in their jurisdiction that the County Committees have to fill county vacancies and make rules. Said County and City Central Committees shall have the power to make nominations to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election where such vacancy is caused by death or removal from the electoral district, or otherwise. Said Committees shall meet and organize by electing a chairman and secretary within thirty days after the candidates of their respective political parties shall have been nominated. They may select managing or executive Committees and authorize such Sub-committees to exercise any and all powers conferred upon the County, City, State and Congressional Central Committees respectively by this Law."
Rules and regulations.	
Powers and duties.	

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 99.

An Act Directing the Disposition of a Portion of the Interest on Investments Made With the Money Which Remained of a Fund Appropriated by the United States Government on June 25, 1908, to Pay the Montana National Guard from the Time of Call Until Muster Into the Service of the United States for the Spanish-American War.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Governor remain the trustee of the Spanish-American War fund; that from and after the passage of this Act the said trustee, in the usual manner of paying funds from this account, shall pay, out of the interest on investments made with the money which remained of a Fund Appropriated by the United States Government on June 25, 1908, to pay the Montana National Guard from the time of call until muster into the service of the United States for the Spanish-American War, to the quartermaster of the United Spanish War Veterans, Department of Montana, the sum of Two Hundred Thirty-seven and 50/100 Dollars (\$237.50) on July 31st and Two Hundred Thirty-seven and 50/100 Dollars (\$237.50) on January 31st of each year for the current use of said Department.

Governor as trustee.

Payment to quartermaster.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1927.

CHAPTER 100.

An Act Defining the Qualifications of Police Officers in the Cities and Towns in the State of Montana, Providing for the Creation of Police Reserves, Specifying Salary Limits Thereof, and Specifying the Limits of Tax Levies Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The members of the Police Department on the active list of any city at the time of their appointment under this Act shall not be less than twenty-one (21) years of age, nor more than thirty-five (35) years

Age qualifications.

of age, but this restriction shall not apply to any member of any present Police Department, nor to Police Reserves hereinafter provided for.

Period of
service.

Section 2. Whenever any member of the Police Department in cities of the first and second class at the time of the taking effect of this Act or thereafter shall have served for twenty-five (25) years or more in the aggregate as a member of such Police Department in any capacity or rank whatever; provided, a Police Officer serving in the United States Army or Navy, in time of war or national emergency shall be given credit upon his police record for such service in the same manner as though on active police duty for such time or shall have, while in active service reached the age of sixty-five (65) years, he may with the consent of the City Council, pass from the active list of Police Officers of such city or town and become a member of the Police Reserves of such city or town.

Police
reserves.

Retired list.

Section 3. Policemen or officers on the Reserve list of any city or town of this State shall retire from the active list of Police Officers of such city or town but shall be subject to call for police service or active duty whenever an emergency shall require or the active list be temporarily insufficient for proper policing of such city or town, all under the rules and regulations as the Board of Police Commissioners or City Council shall prescribe.

Subject to
emergency call.

Disabilities.

Section 4. Whenever any policeman or officer shall receive injuries or disabilities while on duty, or in active discharge of the duties of a Police Officer, and in line of duty, which injuries or disability shall, in the opinion of the Board of Police Commissioners or City Council of the city or town, to be of such character to impair his ability as an active Police Officer, or incapacitate him for the further discharge of his duties, as such, he shall become a member of the Police Reserves of such city or town in like manner as though he had arrived at the age of transfer to the Reserve list of such Department.

Salary.

Section 5. Whenever any policeman or officer shall from age or disability become transferred from the active list of the Police Officers of any city or town to the Reserve list of such city or town, he shall thereafter be paid in monthly payments from the funds in this act

provided for, a sum equal to one-half the salary he was receiving during the year prior to the time he passed to the Police Reserve list.

Section 6. Whenever any member of a Police Department in any city or town, shall on account of sickness or disability, suffered or sustained while a member of such Police Department, and not caused or brought on by dissipation or abuse, be confined to any hospital or his home, and shall require medical attention and care, the Officer of such Police Department may be, by the City Council, allowed his salary as such Police Officer during his absence, and an amount equal to his expenses while confined for such injury or sickness.

Confinement
for sickness.

Section 7. For the purpose of paying the salaries of policemen who have been placed upon the Reserve list, the City or Town Council, or Commissioners, shall in the manner provided for by law, and at the time of the levy of the annual tax, levy such special tax of not to exceed one-half ($\frac{1}{2}$) of one mill on the dollar upon the assessed valuation of all taxable property within the limits of said city or town, which said tax shall be collected as other taxes and when so collected shall be used for the payment of salaries of Police Officers upon the Reserve list.

How paid.

Section 8. Cities other than those in the first and second class may come within the provisions of this Act by duly passing an ordinance of their desire to come within the provisions of the Act and making the tax levy herein provided for.

Cities how
admitted.

Section 9. The Treasurer of any incorporated city which may be hereafter subject to the provisions of this Act, shall retain from the monthly salary of all Police Officers upon the active list, a sum equal to one and one-half per centum ($1\frac{1}{2}\%$) of the monthly compensation paid each officer for his services as such Police Officer, the said monthly deduction from the salaries of such Police Officers, shall be paid into the fund created by the tax levy for the purpose of paying the salaries of Police Officers upon the Reserve list.

Deduction
from monthly
compensation.

Section 10. All moneys withheld from salaries of Police Officers for the violation of rules and regulations of such Police Departments, all bequests, gifts or emoluments paid or given on account of any extraordinary service of any member of such Police Department, ex-

Gifts for
extraordinary
service.

cept when specifically allowed to be retained by such officer by the Mayor, Commissioner's and Chief of Police, and all moneys derived from the provisions of this Act, shall be placed in the fund created by the tax levy of taxable property and per centum of salaries withheld from such Police Officers.

Section 11. All Acts and parts of Acts in conflict are hereby repealed.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 101.

An Act Establishing a License Tax on Livestock Coming Into Montana From Other States, and Grazing Therein, Providing for Collection of Same and Distribution of Such Tax and Fixing the Penalties for Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Rate of tax.

Section 1. A license tax of forty cents (40c) per head on horses, mules and cattle and ten cents (10c) per head on sheep, or any other livestock, is hereby imposed upon all such livestock coming into this state to graze for any length of time whatsoever, provided, however, that no livestock on which the regular annual tax is levied by any county of the state shall pay said license tax.

Notice to
county
treasurer.

Section 2. It shall be the duty of every person, whether he be the owner or agent of the owner bringing livestock into this state, for grazing purposes as herein before provided, to immediately notify in writing the county treasurer of the county in which said livestock is being grazed, the number of livestock and the location of the land on which said livestock is being grazed.

Assessor to
ascertain
livestock al-
ready in state.

Section 3. It shall be the duty of the County Assessor to ascertain if there is any livestock from without this state temporarily grazing within his county and to report the number of such livestock, their location and the name of the owner, or person in charge, to the County Treasurer, who shall immediately after receipt of such notice from the assessor or owner of such live-

stock proceed to collect the sum of money due and payable from the person, so keeping and herding said livestock, or his agent, and in the event that it is necessary for the said treasurer to collect the taxes due upon said livestock by distress and sale of said livestock he may proceed without any further warrant for that purpose, and all necessary expenses and costs accruing from such sale shall be deducted in the same manner as is now provided by law for the collection of taxes assessed upon personal property. Sale for tax.

Section 4. Any person named in paragraph Two of this Act, or his agent, who shall bring any livestock into this state for grazing purposes and shall keep and herd the same in any county of this state without having first notified in writing the county treasurer of the county in which said livestock is grazing, of such entry into this state of said livestock, and without paying the amount of money per head, as hereinbefore provided, shall be fined in the sum of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) to be imposed and collected in the same manner as other penalties for violations of laws of this state are imposed and collected. Penalty.

Section 5. All moneys collected under this Act shall be divided equally between the general fund of the School District, or Districts, in which the livestock is being grazed and the general fund of the county. Disposition of collections.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall take effect and be in full force after its passage and approval.

Approved March 9, 1927.

CHAPTER 102.

An Act Relating to the Office of County Surveyor of All Counties Having a Total Registered Vote of Twenty Three Thousand or Over at the Last General Election, Defining the Powers and Duties of County Surveyor, Abolishing the Office of Road Supervisor.

Be it enacted by the Legislative Assembly of the State of Montana:

County
surveyor duties
and authority

Section 1. The County Surveyor of all counties having a total registered vote of twenty three thousand (23,000) or over, at the last general election shall have exclusive control, supervision and direction of all highways, bridges and causeways within his county, and in the exercise of such control, supervision and direction he shall keep all highways and bridges free and clear of all obstructions; cause highways to be graded, when needed, and maintain and repair the same; cause all bridges and causeways to be made, when needed, and keep the same maintained and in good repair and renew the same when destroyed; make all surveys; establish grades; prepare plans, specifications and estimates; keep accurate cost data; approve all claims against the county for all highway, bridge and causeway construction, maintenance and repair prior to presentation to Board of County Commissioners; employ deputies and men and teams and discharge at his pleasure such deputies, men and teams, and determine how, when and where such deputies, men and teams shall work; purchase and secure all highway and bridge machinery and machinery equipment and tools to be used upon highways and bridges with the approval of the Board of County Commissioners; purchase and secure all highway, bridge and causeway supplies and materials with the approval of the Board of County Commissioners; from time to time make reports and estimates of all matters relating to highways and bridges when required by the Board of County Commissioners; perform such other duties as are now or which may be hereafter required by law.

Where
applicable.

Section 2. The office of road supervisor is hereby abolished. Any and all laws relating to the powers and duties of road supervisors are hereby made applicable to County Surveyors of all counties having a total registered vote of twenty three thousand (23,000) or over at the last general election in so far as the same are not inconsistent with any of the provisions of this Act.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 103.

An Act to Amend Sections 4551 to 4562 Inclusive of the Revised Codes of Montana of 1921, Relating to Athletic Exhibitions; Providing for the Establishment of a State Athletic Commission and for the Collection and Disposition of a Percentage of the Gross Receipts Obtained as a Result of Athletic Contests and Exhibitions, and Providing for a Transfer of the Funds Now on Hand in the State Treasury Collected Under Existing Laws Now Credited and Held in the State Treasury in the 'Soldiers' and Sailors' Home Fund' to a Separate Fund to Be Designated as the 'Veterans' Memorial Fund', the Establishment and Use of Which Is Herein Provided For.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4551, be, and the same is hereby amended to read as follows:

“**Section 4551.** There is hereby created an athletic commission to be known as the State Athletic Commission, consisting of three persons, to be appointed by the Governor. One of said persons shall be appointed for a period of one year from and after the first of March, following his appointment, and one for a period of three years from and after the first of March, following his appointment, and upon the expiration of the terms of such respective commissioners, the Governor shall appoint their successors, each to serve for a term of three years, and all to serve until their successors are appointed and qualified. The members of the commission shall serve without compensation but shall be allowed necessary expenses, to be paid by the State Treasurer on warrant properly drawn out of the proceed of the tax to be collected as hereinafter provided. The Commission shall maintain general offices for the transaction of its business at a place to be by them designated.

State athletic
commission.

Term.

Without
salary.

The members of the Commission shall, at their first meeting after their appointment, and on or before the first day of April of each year thereafter, elect one of their number Chairman of the Commission, shall adopt a seal for the Commission and may make such rules for the administration of their office, not inconsistent herewith, as they may deem expedient; and they may hereafter amend or abrogate such rules. Two of the members of the Commission shall constitute a quorum to do business; and the concurrence of at least two commissioners shall be necessary to render a choice or decision by the Commission."

Chairman.

Section 2. That Section 4552 be, and the same is hereby amended to read as follows:

Secretary.

"**Section 4552.** The Commission shall appoint, and at its pleasure remove, a Secretary to the Commission, whose duty it shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the Commission and to perform such other duties as the Commission may prescribe; and he may under the direction of the Commission issue subpoenas for the attendance of witnesses before the Commission and may, under direction of the Commission, administer oaths in all matters pertaining to the duties of his office or connected with the administration of the affairs of the Commission. The necessary traveling and other necessary expenses, including the salary of the Secretary not exceeding Twenty-five Dollars (\$25.00) per month, which shall be determined by the Commission, shall be paid monthly by the State Treasurer on warrant properly drawn out of the proceeds of the tax to be collected as herein provided. The Commission shall annually make to the Governor a full report of its proceedings for the year ending with the first day of January, and may submit, with such reports, such recommendations pertaining to its affairs as to it shall seem desirable."

Duties.

Expenses.

Report.

Section 3. That Section 4554 be, and the same is hereby amended to read as follows:

Duties of
commission.

"**Section 4554.** The Commission shall have, and hereby is invested with, the sole direction, management, and control and jurisdiction over all boxing and sparring matches and exhibitions to be conducted. held

or given within the State and by any club, corporation or association; and no boxing or sparring match or exhibition shall be conducted, held or given within the State except pursuant to its authority and in accordance with the provisions of this Act. The Commission may, in its discretion, issue, and at its pleasure revoke, a license to conduct, hold or give boxing and sparring matches and exhibitions to any club, corporation or association, and which, if it be an amateur athletic association, may be incorporated or organized in accordance with the rules as may be prescribed by the Commission. Nothing in this act shall be construed as relating to or prohibiting amateur boxing or wrestling exhibitions conducted in and by regularly organized amateur clubs, schools and gymnasiums. Every license shall be subject to such rules and regulations, and amendments thereof, as the Commission may prescribe. Every application for a license, as herein provided for, shall be in writing and shall be addressed to the Commission and shall be verified by such officer of the club, corporation or association on whose behalf the application may be made. It shall contain a recital of such facts as, under the provisions hereof, will show the applicant entitled to receive a license, and in addition thereto, such other facts and recitals, as the Commission may by rules require to be shown."

Section 4. That Section 4555 of the Revised Codes of 1921 be, and the same is hereby re-enacted as follows:

"Section 4555. All buildings or structures used or intended to be used, for the purpose of this Act, shall be properly ventilated and provided with fire exits and fire escapes, if there need be, and in all manner conform to the law, ordinances and regulations pertaining to buildings in the city, town, or village where situated. Where a part of a building or structure is used for the purpose set forth in this Act, this Section shall apply in the same manner."

Buildings.

Section 5. That Section 4556 of the Revised Codes of 1921 be, and the same is hereby amended to read as follows:

"Section 4556. No boxing or sparring match or exhibition shall be of more than fifteen rounds in length; and the contestants shall wear during such contests, gloves weighing at least six ounces. Provided, also, that

Regulations
of bouts.

no person or persons may take part in an exhibition or sparring match unless they have first passed a rigorous physical examination to determine their fitness to engage in any such exhibition. Said examination to be conducted by a regular practicing physician, said physician to be designated by the Commission."

Section 6. That Section 4557 of the Revised Codes of 1921 be, and the same is hereby re-enacted as follows:

"Section 4557. Any club, corporation or association which may conduct, hold or give, or participate in, any sham or fake boxing or sparring match or exhibition shall thereby forfeit license issued in accordance with the provisions of this Act, which shall therefor be, by the Commission, cancelled and declared void; and it shall not thereafter be entitled to receive another such or any license pursuant to the provisions of this Act."

Section 7. That Section 4558 of the Revised Codes of 1921 be, and the same is hereby re-enacted as follows:

"Section 4558. Any contestant who shall participate in any sham or fake boxing or sparring match or exhibition shall be penalized in the following manner: For the first offense, he shall be restrained for a period of six months, such period to begin immediately after the occurrence of such offense, from participating in any competition to be held or given by any club, corporation or association duly licensed to give or hold such boxing or sparring match or exhibition; for the second offense he shall be totally disqualified from further admission or participation in any boxing contest held or given by any club, corporation or association duly licensed for said purpose."

Section 8. That Section 4559 be, and the same is hereby amended to read as follows:

"Section 4559. Every club, corporation or association which may hold or exercise any of the privileges conferred by this Act, shall within twenty-four hours after the determination of every contest furnish to the Commission a written report, duly verified by one of its officers, showing the number of tickets sold for such contest and the amount of gross proceeds thereof, and such other matters as the Commission may prescribe, and shall also with the said time pay to the County Treasurer a tax of five per centum (5%) of its total gross receipts

Penalties for
fake boxing.

Report on
sale of tickets.

Tax.

from the sale of the tickets of admission to such boxing or sparring match or exhibition, which shall be transmitted to the State Treasurer by the County Treasurer within a period of ten days after its collection and be applied to the payment of the expenses of the Commission, and the salary of the Secretary of the Commission, as herein provided. And the money so collected shall be paid to the State Treasurer to be kept and held in a separate and special fund to be designated the 'Veterans' Memorial Fund', and used exclusively for the purposes herein provided. The monies so received and held by the State Treasurer in such special fund shall be used and devoted for the expenses above specified and the balance to be held and retained exclusively for the erection and maintenance of a suitable Veterans' Memorial Building. Such funds to be drawn upon and expended only upon proper and legal claims made against the fund, first presented and approved by the State Board of Examiners. All money in the said fund from time to time may be invested by the State Treasurer in any manner provided for by law for the investment of the state monies."

Veterans'
memorial
fund.

Use of fund.

Section 9. That Section 4560 of the Revised Codes of 1921 be, and the same is hereby amended to read as follows:

"Section 4560. Before any license shall be granted to any club, corporation, or association to conduct, hold or give any boxing or sparring match or exhibition, such applicant therefore shall execute and file with the State Treasurer a bond in the sum of Five Thousand Dollars (\$5000.00) payable to the State of Montana, to be approved as to form by the Attorney General of the State of Montana, and as to the sufficiency of the sureties thereon by the Commission, which said bond shall be conditioned upon the payment of the tax hereby imposed. Upon the filing and approving of such bond, the Commission shall issue to such applicant a license as hereinbefore provided.

Bond required.

Section 10. That Section 4561 be, and the same is hereby amended to read as follows:

"Section 4561. Whenever any such club, corporation or association shall fail to make a report of any contest at the time prescribed by this Act or whenever such report is unsatisfactory to the Commission, it may examine

Failure to
make report.

or cause to be examined the books and records of such club, corporation or association, and subpoena and examine under oath its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any contest and the amount of tax due pursuant to the provisions of this Act, which tax he may, upon and as the result of such examination, fix and determine. In case of the default in the payment of any tax so ascertained to be due, together with the expenses incurred in making such examination, for a period of twenty days after notice to such delinquent club, corporation or association of the amount at which the same may be fixed by the Commission, such delinquent shall ipso facto, forfeit its license and shall be thereby disqualified from receiving any new license or any renewal of license; and it shall in addition forfeit to the State of Montana the sum of Five Hundred Dollars (\$500.00), which may be recovered by the Attorney General in the name of the State of Montana in the same manner as other penalties are by law recovered, and when collected shall be used and applied as other monies received under the provisions hereof."

Failure to
pay tax.

Section 11. That Section 4562 be, and the same is hereby re-enacted to read as follows:

Penalty a
misdemeanor.

"**Section 4562.** Any person who violates any of the provisions of this Act, for which a penalty is not herein expressly prescribed, shall be guilty of a misdemeanor."

Section 12. And be it further enacted that a new Section shall be added, designated as Section 4562½, as follows:

Transfer of
funds to
Veterans'
memorial fund.

"**Section 4562½.** All monies which have heretofore been collected and received by the State Treasurer and by him credited to the 'Soldiers' and Sailors' Home Fund', amounting at this time to the sum of Eleven Thousand Ninety-Eight Dollars and Six Cents (\$11,098.06), are hereby ordered and directed to be transferred by the State Treasurer to the 'Veterans' Memorial Fund', and there kept and held for the erection and maintenance of a Veterans' Memorial Building, and for other expenditures authorized by this Act. All additional funds which may come into the possession of the State Treasurer under the terms of the existing law shall be credited to and held in the 'Veterans' Memorial Fund'. The State is hereby authorized and empowered

to accept and receive gifts, bequests and devises for the proposed Veterans' Memorial Building, and the monies so received shall be held and expended only for the construction of such memorial and for its support and maintenance."

Section 13. That Section 4553 of the Revised Codes of 1921, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 14. This Act shall be in full force and effect thirty days after its passage and approval.

Approved March 9, 1927.

CHAPTER 104.

An Act for the Purpose of Protecting the Public in the Purchase of Coal and to That End Regulating the Sale and Marketing of Coal Within the State of Montana and Providing Penalties for the Violation of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person, firm or corporation engaged in mining, producing or shipping of coal within the State of Montana, shall accurately bill and invoice the same, plainly indicating on all bills or invoices therefor the place where the same was mined, the person, firm or corporation by whom the same was mined and the trade name or mark, if any, thereof.

Regulation
for bills and
invoices.

Section 2. Any person, firm or corporation wholesaling, jobbing, exchanging, offering for sale, or selling at retail, any coal within the State of Montana shall accurately bill and invoice the same to the person, firm or corporation purchasing or receiving the same and shall plainly indicate on all statements, bills or invoices, therefor, the name of the coal, the name of the person, firm or corporation producing the same, the place where mined and the trade name or trade mark, if any, thereof.

Dealers
requirements.

Section 3. In the sales of coal within the State of Montana, the seller must give to the purchaser full weight at the rate of two thousand (2,000) pounds per ton, and no person, firm or corporation shall deliver to any customer any coal in substitution for the kind,

Full weight
and kind.

brand or character of coal ordered by the customer except upon the express written order, direction or approval of the purchaser.

Copies kept
for inspection.

Section 4. Any person, firm, or corporation, mining, shipping, or producing coal, and all persons, firms or corporations wholesaling, jobbing, exchanging, offering for sale or selling at retail any coal within the State of Montana, shall keep within the State of Montana, a true, accurate and complete copy of all the original statements, bills and invoices of all coal produced, shipped, marketed, exchanged or sold for at least one (1) year; and all papers, records and files of any person, firm or corporation transporting, producing, shipping, exchanging or selling any coal within the State of Montana shall, at all times, be open to inspection by the Attorney General, the County Attorneys and the State Sealer of Weights and Measures for the purposes of enforcing this Act.

Penalties.

Section 5. Every person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment. Any person, firm or corporation convicted of a second violation of any of the provisions of this Act shall be punished as above provided, and the license of any retail coal dealer shall, thereby, be automatically revoked, and it shall be unlawful for any person, firm or corporation, so convicted, thereafter to engage in said retail business, either directly or indirectly, for a period of six (6) months next after such second conviction.

Who must
enforce.

Section 6. It shall be the duty of the State Sealer of Weights and Measures to enforce the provisions of this Act and the duty of the Attorney General and the County Attorneys of the counties of the state to prosecute all cases arising under the provisions hereof.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 105.

An Act to Amend Sections 1 and 11 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, As Amended by Chapter 150 of the Nineteenth Legislative Assembly of 1925, Relative to Tax on Direct and Collateral Inheritances, Bequests and Devises; Defining Clear Market Value; and Relating to the Apportionment of Debts and Exemptions as Applied to Estates Located Partly Within and Partly Without Montana; and Providing That the Provisions of This Act Shall Apply to All Estates of All Decedents Who Have Died Since the First Day of June, 1924, and Which Estates Remain Undistributed on the Date When This Act Takes Effect, Subject to Certain Provisos.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, as amended by Chapter 150 of the Nineteenth Legislative Assembly of 1925 be, and the same is hereby amended to read as follows:

“Section 1. How and When Imposed. A tax shall be and is hereby imposed upon any transfer of property, real, personal or mixed, or any interest therein, or income therefrom in trust or otherwise, to any person, association or corporation except the State of Montana, or any of its institutions, county, town or municipal corporations within the State, for strictly county, town, municipal or other public purposes, and corporations of this State organized under its laws, or voluntary associations, organized solely for religious, charitable, or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization, within the State, in the following cases, except as hereinafter provided:

Tax for transfer.

(1) **By a Resident of State.** When the transfer is by will or by intestate laws of this State from any person dying possessed of the property while a resident of the State.

Resident.

(2) **Nonresident's Property Within State.** When a transfer is by will or intestate law, of property within the State or within its jurisdiction and the decedent was a non-resident of the State at the time of his death.

Non-residents.

Contemplation
of death.

(3) **In Contemplation of Death.** When the transfer is of property made by a resident or by a nonresident when such nonresident's property is within the State, or within its jurisdiction, by deed, grant, bargain, sale or gift, made in contemplation of the death of the grantor, vendor, or donor, or intended to take effect in possession or enjoyment at or after such death. Every transfer by deed, grant, bargain, sale or gift, made within two (2) years prior to the death of the grantor, vendor or donor, of a material part of his estate, or in the nature of a final disposition or distribution thereof, and without a fair consideration in money or moneys worth shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this section.

When tax
imposed.

(4) **When Imposed.** Such tax shall be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or the income thereof, by any such transfer whether made before or after the passage of this Act; provided that the provisions of this Act shall apply to all estates of all decedents who have died since the first day of April, 1921, and which estates remain undistributed on the date when this Act takes effect. to the same extent and in the same manner as though this Act had been in full force and effect at the dates of death of such decedents, and if any tax shall have been paid by any executor, administrator, heir, legatee or devisee of any such decedent before the date when this Act takes effect, the amount of such tax so paid shall be allowed as a credit on the total amount of tax required to be paid by such executor, administrator, heir, legatee, or devisee under the provisions of this Act.

Transfer under
power of
appointment.

(5) **Transfer Under Power of Appointment.** Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property, made either before or after the passage of this Act, such appointment, when made, shall be deemed a transfer taxable under the provisions of this Act, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power, and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time pro-

vided therefor, in whole, or in part, a transfer taxable under the provisions of this Act, shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related, had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

(6) **Joint Estates.** Whenever, any property, real or personal, is held in the joint names of two (2) or more persons, or as tenants by the entirety, or is deposited in banks or other institutions or depositaries in the joint names of two (2) or more persons and payable to either or the survivor upon the death of one (1) of such persons, the right of the surviving tenant by the entirety, joint tenant, or joint tenants, person or persons, to the immediate ownership or possession of such property shall be deemed a transfer of one-half ($\frac{1}{2}$) or other proper fraction thereof as though the property to which such transfer relates belonged to the tenants by the entirety, joint tenants, or joint depositors as tenants in common, and had been bequeathed or devised to the surviving tenant by the entirety, joint tenant, or joint tenants, person or persons, by such deceased tenant by the entirety, joint tenant, or joint depositor, by will, except such part thereof as may be shown to have originally belonged to the survivor and never to have belonged to the decedent. Joint estates.

(7) **Insurance Part of Estate.** All insurance payable upon the death of any person over and above Fifty Thousand Dollars (\$50,000.00), shall be deemed a part of the property and estate passing to the person or persons entitled to receive the same and if payable to more than one (1) person the said Fifty Thousand Dollars (\$50,000.00) exemption shall be pro-rated between such persons in proportion to the amount of insurance payable to each. Insurance part of estate.

(8) **On Clear Market Value.** The tax so imposed shall be upon the clear market value of such property passing by any such transfer to each person, institution, association, corporation, or body politic, at the rates hereinafter prescribed and only upon the excess of the exemption hereinafter granted to such person, institution, association, corporation or body politic, and in determin- How tax imposed.

ing the clear market value of the property so passing by any such transfer the following deductions, and no other shall be allowed; debts of the decedent owing at the date of death, expenses of funeral and last illness, all state, county and municipal taxes which are fixed in amount and owing by the decedent at date of death, and the ordinary expenses of administration, including the commissions and fees of executors and administrators and their attorneys actually allowed and paid, but no deduction shall be made for any federal estate inheritance or transfer taxes paid to the United States."

Section 2. That Section 11 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, as amended by Chapter 150 of the Nineteenth Legislative Assembly of 1925 be, and the same is hereby amended to read as follows:

Transfers by
foreign
executors.

"Section 11. (1) Transfer of Stock by Foreign Executors. If a foreign executor, administrator, or trustee shall assign or transfer any stock or obligations in this State, or within the jurisdiction of this State standing in the name of a decedent or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county or the State Treasurer on the transfer thereof; otherwise the corporation permitting such transfer shall become liable to pay such tax.

Non-resident
decedent.

(2) Nonresident Decedent; Notice of Transfer; Order of Court. No safe deposit company, bank, or other institution, person or persons, holding securities or assets of a nonresident decedent, nor any corporation organized under the laws of this State, in which a nonresident decedent held stock at his decease, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or upon their order or request, unless notice of the time and place of such intended transfer be served upon the State Board of Equalization at least ten (10) days prior to the said transfer; nor shall any such safe deposit company, bank, or other institution, person or persons, nor any corporation, deliver or transfer any securities or assets of the estate of a nonresident decedent without retaining a sufficient portion or amount thereof to pay any tax which may thereafter be assessed on account of the transfer of such securities or assets under the provisions of the inheritance tax laws without an order from the proper court authorizing such transfer; and it shall be lawful

Notice of
transfer.

for the State Board of Equalization, personally or by representative, to examine said securities or assets at any time before such delivery or transfer. Failure to serve such notice or to allow such examination or to retain a sufficient portion or amount to pay such tax as herein provided, shall render said safe deposit company, trust company, bank, or other institution, person or persons, or such corporation, liable to the payment of the tax due upon said securities or assets in pursuance of the provisions of the inheritance tax laws. The State Board of Equalization may issue a certificate authorizing the transfer of any such stock, securities or assets whenever it appears to the satisfaction of the said Board that no tax is due thereon.

Certificate of transfer.

(3) **Debts, Exemptions, Etc., To Be Apportioned.** Whenever a tax may be due from the estate, or the beneficiaries therein, of any resident or nonresident decedent upon the transfer of any property, when the property or the estate left by such decedent is partly within and partly without this State, or upon any stocks, bonds, mortgages, or other securities representing property or estate partly within and partly without this State, any beneficiary of such estate shall be entitled to deduct only his proper proportion of that portion of the total debts and expenses of administration which the gross estate in Montana or within its jurisdiction bears to the gross estate both within and without this State, but no deduction shall be made for any federal estate inheritance succession or transfer taxes paid to the United States.

Debts how figured.

(4) **Information to Board; Retaining Amount of Tax.** The State Board of Equalization shall require such reports and information and shall make such orders, rules, and regulations as it may deem necessary to enable the said Board to secure the necessary information from domestic corporations, and to ascertain the amount of and collect such tax; and no holding company or other corporation subject to the provisions of this section shall deliver or transfer any such stocks, bonds, mortgages, or other securities of a Montana corporation without retaining a sufficient portion thereof to pay any tax which may thereafter be assessed under the provisions of this Act on account of such transfer, except upon order of the proper court or a certificate of consent of the State Board of Equalization.

Reports to board.

Penalties.

(5) **Penalties.** Any corporation or holding company violating the provisions of this section shall be liable to the State for the amount of the tax together with a penalty of ten per cent (10%) thereof."

Limitations.

Section 3. This Act is hereby expressly declared to be retroactive and shall apply to all estates where the decedent died on or after the first day of June, 1924, and which estates remain undistributed on the date when this Act is passed and approved, provided that as to any such estate the tax imposed by authority of this Section shall not exceed the amount for which credit is finally allowed to such estate by the United States upon the federal estate tax for taxes due or paid the State of Montana and provided, further that any tax collected by authority of this Section shall be kept separate from other inheritance taxes collected until the amount of such credit is finally determined and shall in accordance with Section 8 of Chapter 65 Session Laws of Montana of 1923 be refunded to the person or estate paying the same if and to the extent that credit therefor shall not be allowed by the United States upon such federal estate tax. If any tax shall have been paid by any executor, administrator, heir, legatee, or devisee of any such decedent before the date when this Act takes effect the amount of such tax so paid shall be allowed as a credit on the total amount of tax required to be paid by such executor, administrator, heir, legatee, or devisee under the provisions of this Act.

Tax how paid.

Section 4. If any section, sentence, clause, phrase or part of this Act is for any reason held to be unconstitutional or inoperative, such decision shall not affect the validity of the remaining portions of this Act.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 106.

An Act to Amend Section 4814 of the Revised Codes of Montana of 1921 as Amended by Chapter 2 of the Laws of the Nineteenth Legislative Assembly, Relating to the Annual Reports of County Clerks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4814 of the Revised Codes of Montana of 1921, as amended by Chapter 2 of the Laws of the Nineteenth Legislative Asesmbly, be and the same is hereby amended to read as follows:

"Section 4814. Annual Report of County Clerk. Report of financial condition.
Within forty days after the close of each fiscal year, the County Clerk shall make out and present to the Board of County Commissioners and the State Examiner, a full true and complete statement of the financial condition of the County. Such statement shall be made out on the form designated by the State Examiner and must show:

- (1) A detailed description of all of the resources and liabilities of the county and the book value thereof;
- (2) The amount of moneys received, showing the source of such revenue;
- (3) The amount of moneys disbursed, with the purpose of disbursement;
- (4) The operation of each of the cash and warrant accounts, showing the balance at the beginning of the year, the credits, the debits and the balance at the end of the year.
- (5) The assessed valuation of the real and personal property of the county, the rate of taxation, the amount of taxes delinquent for the preceding years and such other items as the State Examiner may prescribe."

What report must show.

Section 2. The State Examiner is hereby authorized to cause the salary warrant of the County Clerk of any county to be withheld from said officer until he has complied with the provisions of this section."

Section 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 107.

An Act Authorizing County Commissioners to Appropriate Money for the Purpose of Advertising the Resources of the County and to Assist the Department of Agriculture in Presenting Exhibits of Montana Products at Fairs or Expositions Outside the State of Montana, and Repealing Sections 4470a and 4470b, Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Funds for
advertising.

Section 1. The Board of County Commissioners of any county in the State is hereby authorized to make an appropriation of money from the General Fund of the county for the purpose of advertising the agricultural, commercial, mining, manufacturing, labor or other resources of the county, through the Exposition Exhibits Committee of the State Department of Agriculture, Labor and Industry, or for the purpose of assisting the said Department of Agriculture in presenting exhibits of Montana products at fairs or expositions outside the State of Montana.

Amounts.

Section 2. Said appropriation shall not exceed in any one year the following amounts, to-wit: in counties of the first class or second class, One Thousand Dollars (\$1,000.00); in counties of the third class, Five Hundred Dollars (\$500.00); in all other counties, Two Hundred Fifty Dollars (\$250.00). Said money shall be expended in such manner as the Board of County Commissioners may direct or may be transmitted to the Department of Agriculture, when such appropriation is for the purpose of assisting said department in advertising the resources or presenting the exhibits hereinabove indicated.

Section 3. Sections 4470a and 4470b of the Revised Codes of Montana of 1921, and all Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 4. This Act shall take effect upon its passage and approval.

Approved March 9, 1927.

CHAPTER 108.

An Act Accepting the Powers Granted by An Act of the 67th Congress, No. 48, Entitled: "An Act to Amend An Act Approved February 22, 1889, Entitled: 'An Act to Provide for the Division of Dakota Into Two States and to Enable the People of North Dakota, South Dakota, Montana and Washington to Form Constitutions and State Governments, and to Be Admitted Into the Union on An Equal Footing With the Original States, and to Make Donations of Public Lands to Such States,' Approved August 11th, 1921, Providing for the Disposition of Oil and Gas Deposits Reserved by the State of Montana or in Land Owned by the State of Montana, Authorizing the State Board of Land Commissioners to Grant Oil and Gas Leases Covering Such Deposits; Limiting the amount and Extent of Land Which may be Leased; Defining the Qualifications for Lessees and Assignees; Providing the Form and Contents of Such Oil and Gas Leases and for the Assignment, Relinquishment, Surrender, Cancellation and Forfeiture Thereof; Requiring the Payment of Fees and Penalties and the Giving of Bonds by Lessees and Assignees; Providing the Method for Cancelling and Forfeiting Oil and Gas Leases Hereunder; Providing for Drilling Off-Set Wells and Preventing Waste; Providing for the Collection and Disposition of Fees, Rentals, Penalties and Royalties, Ratifying, Confirming and Approving Oil and Gas Leases Heretofore Issued; Providing for the Surrender or Amendment of Oil and Gas Leases Issued by the State Prior to the Passage and Approval of This Act; Prohibiting Certain State Officers From Acquiring Any Estate or Interest Thereunder; Providing Penalties for the Violation of This Act; Repealing All Acts or Parts of Acts in Conflict Herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Land Commissioners is hereby authorized and empowered to lease in such manner as it may determine, not inconsistent with the Enabling Act and the Constitution, any state lands to which the title has vested in the State and in which the oil and gas rights are not reserved by the United States, for prospecting and exploring for oil and gas, mining, drilling, developing, and removing the same upon the terms

Authorizing
state land
commissioners
to lease
for oil.

Limit of
authority.

and conditions herein prescribed, to any person, association, corporation, domestic or foreign, or municipality qualified under the Constitution and the Laws of the State of Montana. This power and authority to lease state lands for such purposes shall extend to and include all lands owned by the State under navigable lakes and streams, and shall also extend to and include all those state lands which have been sold but in which the oil and gas rights have been reserved by the State of Montana; but in such cases and in all cases where the lands are under lease for grazing, agriculture or similar purposes. care shall be taken in issuing the oil and gas leases to protect the rights of the purchaser or lessee.

Reservation
rights.

In every oil and gas lease granted pursuant to the terms hereof there shall be reserved unto the State of Montana the right to sell, lease, or otherwise dispose of the surface of the lands covered thereby, subject always to the rights and privileges granted unto the lessee under such oil and gas lease.

Royalty for
land holder.

In the case of mortgage lands hereafter sold by the State in which the oil and gas rights belong to and are reserved by and for the State, when the State leases such lands for oil and gas purposes, the holder of such lands under certificate of purchase or other contract, or deed from the State, shall be allowed a royalty of one per centum (1%) of the oil and gas produced from such lands, to be calculated on the same basis as the royalty to be paid to the State as herinafter provided and to be paid by the lessee directly to the person or persons entitled thereto, said one per centum (1%) royalty to be deducted from the royalty reserved to the State.

Not to waste
oil.

Oil and gas leases issued under the provisions of this Act shall all be subject to the conditions that the lessee in conducting his explorations and mining or drilling operations shall use all reasonable precautions to prevent waste of oil or gas developed in the land or the entrance of water through wells drilled by him to the oil or gas sands or oil or gas bearing strata to the destruction or injury of the oil or gas deposits. Violations of any of these conditions shall constitute grounds for the forfeiture of the lease after hearing had thereon before the State Board of Land Commissioners.

Limit of
holding.

Section 2. No person, association, corporation, or municipality shall acquire and at any one time hold, by original grant from the State, by assignment, or by

operation of law, under the provisions of this Act, in the aggregate, more than six hundred and forty (640) acres of land, or a section of land as defined by the public land survey of the United States containing approximately six hundred and forty (640) acres; provided, however, such maximum acreage may be so acquired and held under one or more oil and gas leases. Nothing herein contained shall be construed to prohibit the acquisition of any oil and gas lease by succession, will, judgment, decree, or otherwise by operation of law; provided, however, that any oil or gas lease so acquired by any person in excess of one section of land shall automatically terminate two years after its acquisition unless the same shall theretofore have been assigned to a qualified assignee. All leases issued hereunder shall be granted for a period not exceeding five (5) years and as long thereafter, during the term of fifteen (15) years commencing with the date of such lease or leases, as oil or gas of commercial quality and in commercial quantity shall be produced from the land covered thereby; provided, however, that all drilling, rental and other obligations are fully kept and performed by the lessee.

Term of
lease.

Section 3. The minimum annual money rentals to be paid to the State for oil and gas leases under the provisions of this Act shall be seventy-five cents (75c) for each acre of land leased; provided, however, that such rental shall in no case be less than fifty dollars (\$50.00) per annum.

Rentals.

A filing fee of two dollars and fifty cents (\$2.50) for each oil and gas lease issued and a fee in the same amount for each assignment shall be paid to the Register of State Lands. Such filing fee and the first year's rental shall be paid before the issue of the lease. The rentals for each subsequent year of the lease shall be due and payable thirty (30) days before the beginning of such subsequent year.

Filing fee.

The lands shall be leased in as compact bodies as the form and areas of the tracts held by the State and offered for lease will permit. No lease shall embrace non-contiguous sub-divisions of lands unless such sub-divisions shall be within an area comprising not more than one square mile.

Compact
bodies.

In all cases where an oil and gas lease hereafter issued shall be surrendered for cancellation before its expiration, relinquished to the State, or cancelled through pro-

Cancellation
and renewal.

ceedings on the part of the State, no new lease on the lands under such lease shall be issued within thirty (30) days from the date of cancellation or relinquishment. This restriction shall not apply however in case of bona fide assignment.

Royalty.

Section 4. In every oil and gas lease granted by the State there shall be reserved to the State as consideration therefor, in addition to the rentals as hereinbefore provided, a royalty in all oil and gas produced and saved from all lands covered thereby, and not used for light, fuel, and operation purposes on the leased premises, which shall be equivalent to the full market value, as ascertained by the State Board of Land Commissioners at the date of such lease, of the estate or interest of the State in the lands and oil and gas deposits disposed of under such lease; provided that such royalty reservation shall not be less than twelve and one-half percent ($12\frac{1}{2}\%$) of the whole thereof. Such lease shall provide for the rendering of payment of such royalty in the following manner and upon the following terms:

When royalty is paid.

The lessee shall pay to the State, in cash, for all oil and gas royalty reserved, the posted field price existing on the day such oil or gas is run into any pipe line or storage tank to the credit of the lessee, plus any bonus actually paid, or agreed to be paid, to the lessee, for such oil or gas; or, at the option of the State, exercised in writing by the State Board of Land Commissioners not oftener than every thirty (30) days, the lessee shall deliver the State's royalty oil or gas free of cost or deductions, into the pipe line to which the wells of the lessee may be connected or into any storage designated by the State and connected with such wells.

Report to Register State Lands.

Section 5. On or before the 15th day of each month every holder of an oil or gas lease shall make a report to the Register of State Lands for the preceding calendar month, which report shall be in such form as the State Board of Land Commissioners may prescribe. Such report shall show the amount of oil or gas produced and saved during such preceding month, the price obtained, the total amount of all sales, and such additional information as may be required and shall be verified by the affidavit of the lessee or some responsible person having knowledge of the facts, and shall be accompanied by payment of the amount due the State as royalty for the month covered by the report.

Section 6. In each and every oil and gas lease granted by the State there shall be reserved unto the State Board of Land Commissioners full power and authority to declare termination of the same upon failure of the lessee to drill at least one well upon the leased premises not less than six (6) inches in diameter to the depth of at least one thousand (1,000) feet, unless oil or gas in commercial quantity and of commercial quality shall be encountered at a shallower depth within two years after the date of the lease; provided further that if oil or gas in commercial quantities are not found at the depth of one thousand (1,000) feet or less, then in that event the lessee shall continue drilling with diligence to such depth as may be necessary to make a reasonable test for oil or gas. The Board may, in its discretion, upon satisfactory showing by the lessee, extend the time for commencement or completion of such drilling obligation from year to year not exceeding five (5) years from and after date of lease upon such terms and considerations as the Board may determine, and upon the payment to the Register of State Lands of a penalty of one dollar (\$1.00) per acre per year for each year beginning with the third year, payable each year in advance.

When lease
may be
cancelled.

Section 7. The Board shall have the power and authority to prescribe such rules and regulations and to do and perform all acts and things not inconsistent with the Enabling Act, the Constitution, and the statutes of this State as it may deem necessary and proper relating to the leasing of state lands for oil and gas exploration and development.

Power of
board.

Section 8. Any holder of an existing oil and gas lease heretofore issued shall have the right to exchange such lease for an amended lease issued under the provisions of this Act and embracing the same land. When the holder of any such lease makes written application to the Board in due form for such exchange, the Board shall issue an amended lease, embracing the same land as the former lease, in the ordinary and regular form duly adopted by the Board under the provisions of this Act subject to the same royalty reservations unto the State; but there shall be deducted from the term for which such amended lease may be issued, the time that has passed from the date of the issue of the former lease to the date of the issue of the amended lease, and the lessee shall be credited on the amended lease with development work

Present lease
holders.

performed on the leased premises under the former lease.

Ratification
of present
leases.

All existing oil and gas leases heretofore executed by the Register of State Lands on behalf of the State of Montana are hereby ratified, confirmed, and approved, provided, that the holder of any such lease shall, within ninety (90) days from the date this Act goes into effect, file in the office of the Register of State Lands consent in writing to the amendment of such lease to contain a reservation to the State of the right at all times to take and receive its royalties in money or kind in accordance with the provisions of Section 4 of this Act, and failure or refusal of the holder of any such lease to file such consent within such time shall automatically deprive such lessee of all of the benefits conferred by this Act.

Bonds.

Section 9. The State Board of Land Commissioners shall require lessees of oil and gas leases and assigns thereof to furnish bonds to the State in form and substance prescribed by law or by regulations of the Board and in amount, or amounts, adequate to indemnify the State against loss, damage or detriment by reason of failure of the lessee to fully discharge the obligations contained in any lease or assignment thereof, including the payment of any money penalties fixed by the Board; provided, that no bond in excess of Twenty Thousand Dollars (\$20,000.00) shall be required under any one lease for any one year.

Terms of
leases.

Section 10. All oil and gas leases granted by the State pursuant to the terms of this Act shall provide for forfeiture and cancellation thereof upon failure of the lessee to fully discharge the obligations provided therein, after written notice from the State and reasonable time allowed to the lessee for performance of any undertaking or obligation specified in such notice concerning which the lessee is in default. The State Board of Land Commissioners is hereby granted full power and authority to order and hold hearings on any matter or question involving oil and gas leases, under such rules and regulations as it may adopt; and any lessee, upon application therefor, shall be granted a hearing on any notice or demand of the said Board before any lease is declared forfeited or cancelled by the Board.

Hearings.

Section 11. The lessee shall be required, upon completing a commercially productive oil or gas well upon

the leased premises, to proceed with reasonable diligence to drill such additional wells to the depth of the formation found commercially productive or to such depth as may be necessary to economically test, develop and operate the deposits discovered. No lessee shall, however, be required to drill to completion more than one well under any one lease during any one calendar year, or a total number of wells under any one lease in excess of the total number of forty (40) acre sub-divisions of land held under such lease; and, as to lands found valuable for gas production only, the drilling obligation of the lessee shall be confined to a total number of wells equal to the total number of tracts comprising one hundred and sixty (160) acres of land included in the lease; except, as the drilling of off-set oil or gas wells necessary to protect the leased premises and deposits from loss or depletion due to wells drilled on contiguous lands shall require greater diligence in drilling and a greater number of wells to be drilled; provided, that the performance of said well drilling operations may be suspended only by and with the consent of the State Board of Land Commissioners during the time oil or gas previously discovered cannot be marketed at a profit or for other good cause shown.

Diligence.

Section 12. All fees, rentals, penalties, royalties and bonuses collected for or under such leases shall be paid to the Register of State lands and by him credited as follows: All fees and penalties shall be credited to the State General Fund; all rentals shall be credited to the income fund of the grant to which the lands under each lease belong; all moneys collected as royalties and bonuses shall be credited to the permanent fund arising from the grant to which the land under each particular lease belongs and become and forever remain an inseparable and inviolable part thereof; provided, however, that all royalties and bonuses collected from the lands forming part of the Capitol Building Grant shall be available as income the same as all other receipts from such lands; and provided further that all moneys received as rentals, royalties and bonus for or under leases on lands owned by the State of Montana and not held in trust for the public schools of the State or for any state institution shall be credited, one-half to the State General Fund and one-half to the State Permanent Revenue Fund as defined by Article XXI of the Constitution.

Royalties
where paid
and how
disposed.

Approval of
amendatory act
of Federal
Government.

Section 13. The State of Montana, for the purpose of enabling it to take advantage of the powers to it granted by the United States, mentioned in an Act of the 67th. Congress, No. 48, entitled: "An Act to amend an Act approved February 22, 1889, entitled: 'An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and State Governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such State'," approved August 11th, 1921, hereby accepts said powers as of said date of approval of said Amendatory Act.

Correction
of errors.

Section 14. The State Board of Land Commissioners is hereby authorized to correct errors of any kind in leases, conveyances or other instruments in writing issued pursuant to the terms hereof and to cause any and all moneys erroneously paid to the State under oil and gas leases, applications therefor, or lands and the products thereof covered thereby, to be refunded to the person or persons entitled thereto from the proper fund.

Advertising for
highest bidder.

Section 15. The Board at the expiration of any lease granted under the terms of this Act is authorized to advertise the land held thereunder for re-leasing and to lease the same to the highest responsible bidder therefor at public auction; provided, however, that any person, association, firm or corporation who held such lease at the expiration thereof on any such land shall have the privilege of re-leasing the same at such highest responsible bid offered therefor, upon such terms and conditions as may be prescribed by the said Board or by the Legislative Assembly; and the Board shall have the privilege of rejecting any and all bids.

Assignments.

Section 16. The assignment of any oil and gas lease issued under the provisions of this Act, either in whole or as to subdivisions of land embracing not less than forty acres covered thereby, made to an assignee qualified as provided herein, shall be permitted. Such assignment shall not, however, be binding upon the State until filed in the office of the Register of State Lands accompanied by the required fees and bond, together with such proof of qualifications as may be required by the State Board of Land Commissioners, and approved by said Board or its lawful representative; provided, that the approval of any such assignment so filed and supported shall not be

withheld in any case where the rights or interest of the State in the property assigned will not in the judgment of the Board be prejudiced thereby, and the decision of the Board in all cases to be subject to appeal upon proper court proceedings. All other assignments of oil and gas leases issued under the provisions of this Act or interests therein shall be subject to approval by the State Board of Land Commissioners and shall be binding upon the State in the discretion of said Board.

Section 17. Upon the termination for any cause, of any lease issued pursuant to this Act, the former lessee shall have six (6) months after the date of said termination within which to remove all machinery, fixtures, improvements, buildings and equipment belonging to him, upon said premises, except casing in the wells and other equipment or apparatus necessary for the preservation of any oil or gas well or wells; provided, however, that as to such casing, equipment and apparatus, any succeeding lessee, or in the event there be no succeeding lessee, the State of Montana, wishing to have such property left upon the premises, shall pay the reasonable value thereof, in cash, to the former lessee, but if the succeeding lessee or the State of Montana acting through its Board of State Land Commissioners, is unable to agree with the former lessee upon the reasonable cash value of such casing, equipment and apparatus, then the succeeding lessee or the State of Montana, as the case may be, shall pay, in cash, to the former lessee therefor, such sum as may be fixed as a reasonable price by a board of three appraisers, one of whom shall be chosen by the successful bidder, one by the former lessee and the third by the two so chosen, and whose appraisal shall be reported to the respective parties, in writing, and thereupon be final and conclusive. The former lessee may remain in possession and manage the land and property formerly covered by his lease until the value of said casing, equipment and apparatus which such succeeding lessee or the State of Montana itself, desire to have left upon said premises, is fixed, in the manner hereinbefore provided, and shall have been paid to him, in cash, and during such time as such former lessee remains in such possession, he shall be entitled to retain the same share of the products of the premises as inured to him during the term of his lease. Should the State of Montana or other bidder, not desire any of lessee's property, as provided in this para-

Removal of
property at
end of term.

Agreement
with former
and new
lessees on
property
settlement.

graph, the lessee shall properly plug all wells and remove all of said property from said lands.

Right of
surrender.

Section 18. The lessee under any oil and gas lease granted by the State shall have the right at the termination of any rental year by giving to the Register of State Lands 30 days' previous notice in writing, of such intended surrender, to surrender and relinquish such lease to the State in whole or as to any legal subdivision of the lands covered thereby and be thereupon discharged from any obligation not theretofore accrued as to lands so surrendered and relinquished, without prejudice to the continuance of the lease as to lands not surrendered or relinquished. Any lessee holding any oil and gas lease or leases issued prior to the passage of this Act shall have the right to surrender any such lease and to accompany any such surrender with an application for a new lease or leases upon all or any portion of the land so surrendered; and, thereupon such application shall have preference over all other applications submitted for the same lands and a lease or leases upon the lands described in such application shall, subject to the terms of this Act, be forthwith granted to such former lessee, upon compliance by the lessee with the requirements hereof and the regulations promulgated by the State Board of Land Commissioners.

How
carried out.

Provision for
offset wells.

Section 19. Oil and gas leases granted by the State shall contain suitable provisions imposing upon all lessees the obligation to drill off-set wells wherever and whenever necessary to prevent waste and damage to the property of the State; also to make such report of operation, production and sales, as well as payments due the State, in the manner, at the time and to such representative of the state as may be required by the State Board of Land Commissioners.

Reports.

Interest of
board and
employees.

Section 20. It shall be unlawful for any member of the State Board of Land Commissioners or any person or persons employed by the State for selecting, classifying, appraising, selling, or leasing any state land or interest therein, or any officer or employee of the State Land Officer to hereafter purchase or lease, directly or indirectly, or acquire any interest in any lands or oil and gas deposits under the provisions of this Act.

Penalty.

Section 21. Any officer, employee or representative of the State of Montana, who directly or indirectly ac-

cepts any money or any other valuable thing, except his regular and lawful compensation, for performing, or not performing an official act under the provisions of this Act, or for modifying the performance thereof, shall be guilty of a felony. Any officer, employee, or representative of the State who knowingly and wilfully makes any false classification or appraisal of any State land or interest of the State therein, or of any oil and gas deposits in which the State is interested, or who knowingly and wilfully makes any false report of any such classification or appraisal, shall be guilty of a felony.

Section 22. Any person who shall knowingly make and file in any Department, Bureau or office of the State of Montana any application, statement, or report in writing required by regulation promulgated pursuant to the provisions of this Act containing any false statement of a material fact, shall be guilty of a felony.

False
statements.

Penalty.

Section 23. If any sub-division, section or part of section of this Act shall be found to be unconstitutional, such finding of unconstitutionality shall not affect the remainder of this Act, but such remainder shall be in full force and effect and shall be carried out and the State Board of Land Commissioners is hereby specifically charged with the duty of exercising to their full extent the general grant of powers given to it by the Constitution of the State in order to accomplish that purpose.

Saving clause.

Section 24. All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed. Provided, however, that nothing herein contained shall be construed to repeal any of the provisions of Chapter Fifty-six of the Session Laws of 1925, or to derogate any of the powers therein granted to, or the duties therein prescribed for, the Board of Railroad Commissioners of the State of Montana.

Section 25. This Act shall be in full force and effect from and after April 15th, 1927.

Approved March 9, 1927.

CHAPTER 109.

An Act to Regulate and License Manufacturers, Dealers, Distributors, Purveyors and Sellers of Gasoline, Kerosene, Distillate, Lubricating Oil or Grease, Road Oil, Fuel Oil, and Oil and Grease for Boilers, Providing a License for the Right to Engage in Said Business Within the State of Montana, and Fixing Fees Therefor; Requiring All Such Commodities to Meet Tests in This Act Prescribed and Provided; Providing for the Posting of Notices of the Grade and Character of the Commodity Sold; Providing for the Inspection of Such Commodities When Dangerous to Life, and Originating in Points Outside the State of Montana and Shipped Therein; Permitting Manufacturers, Dealers and Distributors the Right to Adopt and Register a Trade Name and Forbidding Infringements Thereof; Recognizing and Clothing the Public Service Commission of Montana With Power to Compel Dealers in Said Commodities to Meet Representations and Advertisements With Respect Thereto and to Prescribe Suitable and Accurate Meters and Measuring Devices for the Sale Thereof, Fixing Penalties for the Enforcement of This Act; Fixing Penalties for the Violation of This Act, and Investing the Public Service Commission of Montana with the Enforcement and Administration Thereof, and Making An Appropriation for the Purpose of Carrying out the Provisions of the Act; and Repealing Sections 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, Revised Codes, Montana, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All persons, firms, co-partnerships, corporations, trusts or agencies engaged, directly or indirectly, in the business of selling or offering or advertising for sale or in the business of refining or manufacturing or keeping for sale within the State of Montana any gasoline, kerosene, distillate, road oil, fuel oil, or any oil or gas or oil and gas product, lubricating oil and greases, for use in motor vehicles or in internal combustion engines, shall make application to the public Service Commission of Montana, upon such blank forms as may be provided by said Commission for the right to do business in the State of Montana and the making of such application shall be a condition precedent to the

Application
for license.

right of any such person, firm, co-partnership, corporation, trust or agency to transact any such business within the State of Montana and upon the making and filing of such application and the payment of the proper fee, a license shall issue to the applicant. Fee.

Such persons, firms, co-partnerships, corporations, trusts or agencies are hereinafter, for brevity, designated dealers, and the term 'dealers' whenever used herein, shall include all persons, firms, co-partnerships, corporations, trusts or agencies described in this section.

Section 2. Each dealer shall pay a license fee of One Dollar for each separate place of business where such dealer transacts business, and One Dollar additional for each gasoline pump or vending machine in excess of one used at such place of business. All licenses shall be annual and expire December thirty-first. Each refinery doing business in the State of Montana shall pay an annual license fee of One Dollar. License fee.

Section 3. All fees and receipts taken and received by said Commission in the administration of this Act shall be transmitted and credited to the State Gasoline Inspection Fund, hereby created, and the State Treasurer of the State of Montana shall have the custody of said fund and keep the same separate from any other funds under his control; and all of the expenses incurred in the administration of this Act, or in enforcing the terms hereof shall be paid out of said fund in the same manner as other claims against the State of Montana. Inspection fund.

Section 4. The Public Service Commission of Montana is hereby required to secure the proper enforcement of this Act, to procure for inspection and test and cause to be inspected and tested suitable samples of the commodities enumerated herein, to make all necessary rules and regulations not inconsistent with the terms of this Act for the procuring and transmission of said samples and for reporting the results of analyses; to inform the county attorney of the proper county of all cases of violations of this law and to require said county attorney to assist in investigations under the provisions hereof and to ascertain the facts with respect thereto. Duties of public service commission.

Section 5. All of the commodities enumerated herein must be sold under and through names and grades respectively, and such names and grades must be impressed indelibly, painted or stamped, or otherwise plainly marked Names and grades.

upon the barrel, can, carboy, vessel or other container in which the same are stored, sold, offered or exposed for sale or shipped, respectively, or upon a label conspicuously and securely fastened thereto, giving the true name and grade and content of the product and the name and address of the manufacturer or dealer who sells the same.

Statement of
wholesaler.

It shall be unlawful, in violation of this Act to sell or offer or expose for sale any commodities unless the same are properly marked as herein provided and unless the said commodities shall, in all respects, meet the tests and standards herein prescribed. It shall be the duty of every wholesaler of gasoline to furnish with each delivery of gasoline to a retailer, a statement that the said gasoline conforms with the standards by this Act prescribed.

Specifications.

Section 6. The standards of quality and strength for gasoline kept for sale or offered for sale within the State of Montana, shall at all times be identical with the then current specifications of gasoline known as United States Government Motor Gasoline as promulgated by the Bureau of Mines of the Department of the Interior of the United States, or by other competent Federal authority.

Standards.

Section 7. The standards of quality, purity, and strength for all kerosene kept, offered or exposed for sale within the State of Montana shall be as follows: The flash-point of all kerosene shall not be less than one hundred ten degrees Fahrenheit, measured in the Tagliabue open cup, and said kerosene shall contain no water or other foreign matter.

Inspections
and tests.

Section 8. The Public Service Commission is hereby empowered to make and cause to be made, such inspections as may be necessary to secure compliance with this Act and the safe handling and use of the commodities enumerated herein.

Specifically, such tests shall cover and be applicable to:

(a) Any of the enumerated commodities manufactured or refined in this State and distributed to dealers in this State;

(b) Any of the enumerated commodities shipped into this State from points outside thereof and resold or distributed to dealers for resale or distribution in this State;

(c) Any of the enumerated commodities exposed or offered for sale in this State.

Any gasoline, petroleum or distillate shipped into this State for the use by shipper or consignee in any place where the same is or may be dangerous to human life or public safety shall be subject to test and inspection by the Public Service Commission as in this Act provided.

Section 9. The head or chairman of the department of chemistry of the State College of Agriculture and Mechanic Arts of the State of Montana is hereby designated as state chemist, and is authorized, and it shall be his duty, to make all analyses and tests of articles inspected under the terms of this Act, and to employ in such analyses and tests the standard methods of analysis. The state chemist shall receive no compensation for his services, nor shall he charge any fee for testing or analyzing any samples required to be analyzed by him under the terms of this Act; provided, however, that neither the state chemist nor the department of chemistry of the State College of Agriculture and Mechanic Arts shall be required to receive for analysis any unofficial samples submitted by any agency other than the Public Service Commission of Montana.

State chemist who must analyze and test.

Section 10. All analyses herein directed to be made by the state chemist may, in the discretion of such state chemist, be made by any competent assistant acting under his supervision; provided, however, that such assistant shall be appointed under the rules and regulations of the State Board of Education.

Assistant chemist.

Section 11. It shall be the duty of the state chemist or his assistants to attend and give evidence in all prosecutions instituted for the enforcement of this Act, and such chemist or assistant shall receive the same fees and mileage for attendance in such cases as are prescribed by the laws of the State of Montana to be paid to witnesses in courts of record.

Chemist used for evidence.

Section 12. All dealers shall post in at least two conspicuous public places in each and every plant, filling station or distribution agency operated by and through them, a notice to the public, on forms to be prescribed by the Public Service Commission, advising the public in plain terms of the grade and character of commodities offered for sale or sold therein. If such dealers are engaged in selling more than one grade, quality or character of com-

Notice to public.

modity under the description "high test" or "winter gasoline" or "high power gasoline" or "more mileage gasoline", or under any term indicating that the commodity has been specially treated to produce special results and secure particular effects, said notice shall plainly state the difference in the character, grade or quality of the commodity.

Samples for testing.

It is hereby made the duty of every dealer subject to the provisions of this Act, to submit to the Public Service Commission for transmission by said Commission to the state chemist for analysis and report, such quantity of the commodity to be tested as the Commission shall require, accompanied by such data with respect thereto as the Commission may prescribe and upon the completion of each test required to be made, the state chemist shall certify to the Public Service Commission of Montana, on forms which said chemist and said Commission shall prescribe, report of the analysis made by said state chemist, together with any remarks respecting the commodity analyzed.

Not to prevent sale of distillates.

Section 13. Nothing in this Act contained shall prevent the manufacture or sale of engine distillates, power distillates, or kerosene distillates of a lower specific gravity on the Beaume scale than gasoline, and which do not conform to the standards of quality, purity, and strength prescribed by this Act; provided, however, that the package or other container in or from which the same are sold, or offered for sale, shall be plainly labeled in a conspicuous manner easily visible to the purchaser in such a manner as to indicate the name and character thereof; and the packages, containers and dispensors thereof shall be plainly marked in the manner prescribed by the Public Service Commission.

Registration of trade name.

Section 14. Any dealer within the provisions of this Act or any other seller or distributor of the commodities named herein, selling or offering for sale under any trade name, designation or description any of the commodities named herein may make application to the Public Service Commission of Montana for registration of said trade name, designation, description or device, and if the same shall, in the judgment of the Commission be a fair name, and not confusing to users and buyers of commodities named herein, and if the same shall not conflict with any previously registered name, said Commission shall register such name and the same shall be the exclusive prop-

erty of the dealer so registering the same, and any infringement thereof in public advertisement or competitive salesmanship shall constitute cause for revocation of the license of the infringer after due hearing as in this Act provided.

Section 15. It shall be unlawful for any dealer under this Act to misrepresent the quality, essential characteristics or brand of any of the enumerated commodities sold by him or to substitute without the knowledge and consent of the purchaser a different quality or brand of commodity than that ordered by such purchaser, and a violation of these requirements shall constitute cause for revocation of license.

Misrepresentation may cause revocation of license.

Section 16. For the purpose of this Act, the term "misbranded" shall be construed as follows: All articles, the package or labels of which shall bear any statement, design, or device regarding the same, or regarding ingredients or substances therein, or regarding the properties of such articles, which are false or misleading in any particular whatsoever, shall be deemed misbranded.

Definition of misbranded.

Section 17. For the purpose of obtaining information regarding suspected violation of this Act, said Public Service Commission or any member thereof, or duly authorized representative shall have access to all places where the commodities enumerated herein are sold, offered for sale or kept for sale, manufactured, transported, or stored, and may take samples therefrom for analyses tendering payment therefor.

Commission may take samples.

Any user or customer shall have the right, upon tendering payment therefor to receive from any dealer, a sample of any commodity sold for purpose of having analysis and test thereof made by the state chemist through the Public Service Commission.

Any member of said Commission, or any duly authorized representative thereof shall have the right to inspect any of the commodities enumerated herein, whether the same originate at points without the state or otherwise and whether the same are in transport or at rest in places where they are dangerous to human life or public safety.

Any person obstructing any entry or inspection authorized by this section, or failing upon request to assist

Obstructing entry or inspection.

therein shall be guilty of a misdemeanor and shall be punished therefor in accordance with law. The Public Service Commission shall employ from time to time such inspectors as said Commission shall deem necessary to carry out the provisions of this Act, and said Commission shall fix the compensation of such Inspectors. The Inspectors herein provided for shall be paid from the "Gasoline Inspection Fund" provided for in this Act and all expenses of carrying out the provisions of this Act shall be paid from said Fund.

**Inspection
of devices.**

Section 18. The Commission shall have power to inspect and classify all meters and measuring, gauging or testing devices and apparatus used in connection with the wholesale or retail distribution of the products enumerated herein, and may prescribe suitable standards of accuracy for such meters and measuring devices, conformable to the standards fixed by the United States Bureau of Standards for such devices.

**Cancellation
of license.**

Section 19. If the Commission shall find that any dealer operating under this Act has violated any of the provisions hereof, or of any lawful order or decision of the Commission, promulgated pursuant to the provisions of this Act, the Commission shall, after due hearing thereon, noticed for not less than ten days, revoke, cancel, or suspend any license that it has theretofore granted; and such revocation, cancellation or suspension, may be conditioned on such terms as to the Commission may seem just and proper.

**Penalty for
violation.**

Section 20. If any person, firm, co-partnership or corporation coming within the provisions of this Act shall violate any of the provisions of this Act or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it, for every such violation, failure or refusal such person, firm, co-partnership or corporation shall, in addition to the forfeiture of license as hereinbefore provided, be for the first offense punished by a fine of not less than Ten Dollars (\$10.00) and not to exceed One Thousand Dollars (\$1,000.00), and shall be punished for any subsequent offense by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and imprisonment.

Section 21. That the sum of Seventy-five Hundred Dollars or so much thereof as may be necessary be and the same is hereby appropriated out of any moneys in the automobile license fees not otherwise appropriated for the purpose of carrying out the provision of this Act. Said moneys to be credited by the State Treasurer of the State of Montana to the State Gasoline Inspection Fund herein above created.

Appropriation
for act.

Section 22. If any section, clause, sentence or provision in this Act shall be declared unconstitutional such decision shall not invalidate other portions not involved in such decision.

Saving clause.

Section 23. Sections 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, Revised Codes, Montana, 1921, shall be and the same hereby are repealed.

Repealed
sections.

Section 24. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 25. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 110.

An Act Providing for the Valuation and Assessment of Property for Assessment and Taxation in the Year 1927, and Every Two Years Thereafter.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All real estate and all improvements on real estate, in this state, subject to taxation, except such as is required to be assessed by the state board of equalization, shall be separately valued for assessment and taxation purposes in the year 1927, and biennially thereafter in each odd-numbered year, with reference to the value thereof at 12 o'clock noon on the first Monday of March preceding the assessment, and such valuation in each such odd-numbered year shall constitute the assessed valuation thereof until the next biennial assessment, except as hereinafter provided; provided, however, that nothing contained herein shall be construed as preventing or prohibiting county boards of equaliza-

Property
how
assessed.

tion or the state board of equalization from either increasing or decreasing the assessed valuation of any real property or improvements in any year, or as preventing or prohibiting the state board of equalization from increasing or decreasing the assessment of any one or more classes of property in any county or counties in any year, for the purpose of equalizing the value of property for taxation.

Construction
and
destruction.

Section 2. Each assessor shall annually value and assess all real estate that shall have become subject to taxation since the last previous valuing and assessing of real estate in the county, or which has escaped taxation the preceding year, and he shall also annually value and assess all buildings, structures and other improvements on real estate which shall not have been previously valued and assessed. In case of the destruction of any building, structure, or other improvement on real estate, valued and assessed in the assessment for the year immediately preceding such destruction, such building, structure, or other improvement shall be struck from the assessment and shall not thereafter be assessed.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 111.

An Act to Amend Section 4916 of the Revised Codes of Montana, 1921, Relating to the Fees of Sheriffs.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4916 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Fees of
sheriff.

“**Section 4916. Fees of Sheriff.** For service of summons and complaint on each defendant, besides mileage, one dollar.

“For levying and serving each writ of attachment or execution on real or personal property, besides mileage, one dollar.

“For service of attachment on the body or order of arrest on each defendant, besides mileage, one dollar.

“For service of affidavit, order, and undertaking in claim and delivery, besides mileage, one dollar.

“For serving subpoena for each witness summoned, besides mileage, thirty cents.

“For serving writ of possession or restitution, two dollars.

“For trial of the right of property or damages, including all services except mileage, three dollars.

“For taking bond or undertaking in any case authorized by law, one dollar.

“For serving every notice, rule, or order, besides mileage, on each person, one dollar.

“For copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents.

“For advertising any property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, one dollar.

“For the expense in taking and keeping possession of and preserving property under attachment, execution, or other process, such sum as the court or judge may order, not to exceed the actual expenses incurred, and no keeper must receive to exceed three dollars per day, and no keeper must be employed without an order of court, nor must be so employed unless the property is of such character as to need the personal attention and supervision of a keeper. No property must be placed in charge of a keeper if it can be safely and securely stored, or where there is no reasonable danger of loss.

Preserving
property under
attachment.

“For each mile actually traveled in serving every writ, process, order, or other paper, going and coming, ten cents per mile, when such travel is made by railroad, and in all cases wherein travel is made other than by railroad twelve and one-half cents per mile going, and twelve and one-half cents per mile returning.

Mileage
amount and
how calculated

“But no mileage must be allowed on an attachment, order of arrest, order for the delivery of personal property, or any other order, notice, or paper, when the same accompanies the summons, and the service thereof may be made

at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons.

“When two papers are served on the same person at the same time, but one mileage must be charged.

“In the service of subpoenas, but one mileage must be charged when the persons named in the subpoena live in the same place or in the same direction, but mileage may be charged for the longest distance actually traveled.

“Any writ or other paper for service must be received at any place in the county where a sheriff or a deputy is found, and mileage must be computed from such place. If papers are delivered for service away from the county seat, a copy or copies thereof must be furnished for service.

Actual
expenses.

“For actual expenses in conveying a person, when under arrest, before a magistrate or to jail, or on habeas corpus, which must be allowed by the board of county commissioners.”

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 112.

An Act Providing for the Preservation of the Property Belonging to the Legislative Department of the State of Montana and Providing Penalty for the Removal or Destruction of Such Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Inventory of
sergeant at
arms.

Section 1. On the last day of each session of the Montana State Legislature, it shall be the duty of the Sergeant-at-Arms of the Senate, the Sergeant-at-Arms of the House to make a complete inventory of all permanent furniture and fixtures belonging to the Legislative Department of the State, together with all office furniture and fixtures and all other fixtures, codes and session

laws, tools and office supplies of every description on hand at the close of the session belonging to the Legislative Department of the State, or which have been purchased and charged to the Incidental Expense Appropriation.

Such inventory shall be made in quadruple, one copy to be filed with the Purchasing Agent, and one to be filed with the State Treasurer, and one copy to be left on file in the Sergeant-at-Arms office of the State Senate, and one in the office of the Sergeant-at-Arms of the House of Representatives.

Copies where
filed.

Section 2. Upon the completion of the inventory and the adjournment of the legislature, all property listed therein shall be turned over to the Custodian of the State Capitol of the State, and he shall receipt to the Sergeant-at-Arms of the Senate, and to the Sergeant-at-Arms of the House of Representatives, in detail for the same, and it shall be his duty to carefully care for and preserve all of such property and shall deliver the same to the Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the House of Representatives, at the convening of the next session of the Montana Legislature; provided, however, that any of said property which might deteriorate in value by being kept shall be appraised by the said Purchasing Agent, and the said Custodian may sell any articles so appraised for not less than such appraised value to any department of the State Government, and all moneys received from articles so sold shall forthwith be paid over by said Custodian to the State Treasurer which shall be credited to the General Fund of the State and against the expenses of the Legislative Department. In the event of the sales of any articles by virtue of this provision, the said Custodian shall, in lieu of delivering the same to the respective Sergeant-at-Arms of the next session of the Montana Legislature, deliver to them a list of the articles sold, together with a list of the prices received and receipts of the State Treasurer therefor.

Custodian to
take charge.

Appraisal and
sale.

Section 3. It shall be the duty of the Purchasing Agent to assist the Custodian in the preservation and safe keeping of the property of the Legislative Department.

Purchasing
agent.

Section 4. Any person, or persons, who wilfully takes, carries away from the Legislative Halls, defaces or at-

Penalty for
removing
property.

tempts to take, carry away or deface any of the property listed in the inventory as herein provided or belonging to the Legislative Department shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum of not less than Fifty Dollars (\$50.00), nor more than Two Hundred Dollars (\$200.00).

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 113.

An Act to Amend Section 2153 of the Revised Codes of Montana of 1921 Relating to Taxes on Personal Property; as Amended by Chapter 18, Acts of the Nineteenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2153 of the Revised Codes of the State of Montana of 1921, as amended by Chapter 18, Acts of the Nineteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

“**Section 2153.** Every tax due upon personal property is a prior lien upon such personal property assessed, which lien shall have precedence over any other lien, claim, or demand, and every tax due upon personal property is a lien upon the real property of the owner thereof, from and after 12:00 M. of the first Monday in March in each year; provided, however, that any owner of a mortgage on real estate upon which personal property taxes are by this Act made a lien and where the owner of such real estate and personal property has failed to pay taxes due upon such real estate and personal property for one or more years, may file with the County Assessor of the county in which such property is located a written request to have the personal property and real estate of the owner separately assessed. Such request must be made by registered mail at least ten days prior to the first Monday in March in

Due taxes a
prior lien.

Taxes due on
personal
property is
a lien on real
property.

Application for
separate
assessment.

the year for which property is assessed. Upon receipt by the Assessor of such request it is hereby made the duty of the County Assessor to make a separate assessment of real and personal property of the owner thereof and such personal property taxes shall not be a lien upon the real estate so mortgaged of the owner thereof and the said personal property taxes shall be collected in the manner provided by law for other personal property."

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after the first day of February 1927.

Approved March 9, 1927.

CHAPTER 114.

An Act to Repeal Section 5929 of the Revised Codes of Montana of 1921, Relative to the Creation or Increasing of the Bonded Indebtedness of Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5929 of the Revised Codes of Montana of 1921 be, and the same is hereby repealed.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 115.

An Act to Provide for the Dissolution of Joint School Districts, Providing for the Holding of An Election, the Adjustment of Indebtedness, Validating Certain De-facto Districts and Repealing Section 1037 R. C. M. 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. A joint school district may be dissolved in the following manner:

Whenever the majority of the qualified electors residing in that portion of a joint district situated in one

Manner of
dissolving
school district.

county presents a petition to the county superintendent of schools of the same county praying for a dissolution of the district and setting forth briefly the reason therefor, such county superintendent shall immediately give notice thereof to all other county superintendents of counties contributing territory to the joint district, and shall within twenty (20) days from the date of the receipt of such petition call an election and fix a date for the holding of same, and shall notify the clerk of the district to post three notices in the territory of each county composing the district. Notices must be posted in the most conspicuous places in the territory and must be posted at least fifteen days preceding the election. Such notices must specify the purpose and the date and hour when the polls will be open and the place at which the election will be held. Separate elections must be held in each portion of the district lying in different counties on the same date and hour and be conducted in the same manner as general school elections. Each county superintendent of schools must appoint three judges of election for the territory in his or her county and the result of the election must be certified by the judges to their respective county superintendents. The county superintendents shall meet within five days after the election and determine the total vote cast throughout the district. If a majority of all votes cast in the district are for dissolution, the district must be dissolved; or in the event that two-thirds (2-3) of the votes cast in the territory of any county favor dissolution the district may be dissolved as to such territory; provided both superintendents of the counties affected are agreed that such dissolution will not entail an undue hardship to either part of such joint district, and that there is no good and sufficient reason why such dissolution should not be made. In case of the failure of a two-thirds (2-3) majority in any portion of the district, as herein provided, or a failure of the majority of the entire district to vote for dissolution, the district shall not be dissolved and no election thereon can be held within three (3) years thereafter. If dissolution carries it shall take effect at the end of the current school year.

Election when called.

Notices.

Judges.

Meeting of superintendents.

Votes necessary.

Existing districts when valid.

Section 2. Any school district heretofore created out of a joint district without the concurrent action of the various county superintendents and boards of county commissioners of the various counties having territory

within the district, or where all the requirements of the statutes have not been fully complied with and such district has functioned for a period of two (2) years or more, is hereby declared to be a valid subsisting school district.

Section 3. In case of the dissolution of any joint school district as herein provided the territory shall be immediately formed into a new district or attached to an existing district by the county superintendent of schools, provided that no new district shall be created where the assessed valuation is less than \$75,000.00 and where fewer than ten census children reside within the territory.

New districts.

Section 4. Where a joint district has been dissolved as herein provided the various county superintendents shall meet and adjust the indebtedness and apportion the funds and property upon the following basis:

Meeting of superintendents.

First. Indebtedness created on account of permanent school property acquired shall be divided after deducting all sinking funds in proportion to the value of school property situated in each portion of the district.

Funds how apportioned.

Second. Indebtedness incurred for current expenses of schools, whether represented by bonds or warrants, shall be apportioned upon the basis of the assessed valuation of the various portions of the district as determined by the last completed assessment preceding the election, after deducting from warrant indebtedness all moneys in the general fund of the district.

Third. District funds remaining to the credit of the district in the various counties shall be apportioned on the basis of the census children of the district as shown by the last school census.

Section 5. Each county superintendent shall furnish the county treasurer of his or her county with a copy of the adjustment as agreed upon by them and the county treasurer shall make any remittances necessary to carry out the adjustment. Where a change in boundary lines has affected inter-county property subject to assessment by the State Board of Equalization, the County Superintendent of Schools shall also notify the State Board of Equalization of such change of boundaries.

Copy of adjustment to superintendent.

Change of boundaries.

Section 6. Section 1037, Revised Codes of 1921, is hereby repealed.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1927.

CHAPTER 116.

An Act to Amend and Re-enact Section 7173 of the Revised Codes of Montana of 1921, As Amended by Section 3 of Chapter 157 of the Session Laws of the Eighteenth Legislative Assembly, Relating to Irrigation Districts, Salary of Commissioners, Penalty for Interest in Contract and Bonds of Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7173 of the Revised Codes of Montana of 1921, as amended and re-enacted in Section 3 of Chapter 157 of the Session Laws of the Eighteenth Legislative Assembly, shall be and the same is hereby amended to read as follows:

Salary of
commissioners.

“7173. Salary of Commissioners—Penalty for Interest in Contracts—Bonds of Commissioners. The Commissioners, when sitting as a Board or when engaged in the business of the district, shall each receive not to exceed five dollars per day for services, and, in addition thereto, their necessary expenses in attending meetings or when otherwise engaged on District business, including premiums on qualifying bonds and any other bonds required of them in connection with their office, provided such expenses and per diem be approved by unanimous vote of said Board.

Interest in
contracts.

“No Commissioner or any other officer named in this Act shall in any manner be interested directly or indirectly in any contract awarded or to be awarded by the Board, or in the profits derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor and his conviction thereof shall work forfeiture of his office and he shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

Penalty for.

“The Commissioners of said Irrigation District shall each furnish a bond in the penal sum of twenty-five hun-

dred dollars (\$2500.00) with corporate surety conditioned for the faithful performance of their duties under this Act, and the Secretary shall furnish bond, with corporate surety, in the sum of One Thousand Dollars (\$1,000.00) conditioned for the faithful performance of his duties pursuant to this Act, and for the proper and safe keeping of the records and documents of said district, in all cases where the obligations of said District, either existing or proposed, total Two Hundred and Fifty Thousand Dollars (\$250,000.00) or over. In all other cases the bond for said commissioners shall be in the sum of One Thousand Dollars (\$1000.00). Provided that the foregoing bonds shall not be required of any of the Commissioners or the Secretary of said District in any case where the obligations of said District, either existing or proposed, shall be twenty-five per cent or more owing to the United States in connection with any Federal Reclamation Project."

Bonds of
commissioners.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 117.

An Act Providing for a Dormitory Petty Cash Fund for Any High School Operating a Dormitory, and Prescribing the Method of Handling Such Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **High School Dormitory Petty Cash Fund.** The Board of Trustees of any High School operating and maintaining a dormitory for the use and benefit of the students and teachers of such High School, may set aside out of the General Fund, a sum of not to exceed One Hundred Dollars (\$100.00), which shall be designated as the Dormitory Petty Cash Fund. Such fund shall be placed at the disposal of the matron of such dormitory for the purpose of paying the incidental expenses which must necessarily be paid in cash at the time of delivery. The matron must keep accounts of said fund as prescribed by the State Examiner and said fund shall be replenished

Dormitory
cash fund.

Accounts.

by the Board of Trustees at each regular meeting of the board, upon presentation of proper receipts covering the several disbursements.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 118.

An Act Amending Sections 1051 and 971 of the Revised Codes of Montana, 1921, Relating to the Manner of Taking the School Census; Defining Residence for School Census Purposes; Fixing Compensation of the Clerk and Providing Penalties for False or Fraudulent Reports; Providing for Examination of Such Reports and for Elimination of Duplications or Fictitious Names and for Notice of Such Action by the County Superintendent of Schools; Providing for a Duplicate Copy to Be Filed With the Bureau of Labor and Industry and An Alphabetical Index to Be Sent to the Superintendent of Public Instruction for the Elimination of Duplication of Names Between Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1051 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

Census how
taken.

Definition
of residing.

Section 1051. The clerk of the school district shall make annually between the 15th day of September and the 15th day of October of each year an exact census of all children and youths between the ages of six and twenty-one years residing in the district. The term "residing" as used in this section shall be defined in such a way as to include (1) children residing with their parents or guardians in such district, (2) children temporarily residing outside of such district for the purpose of attending any district school or county high schools or other public institution of learning or any benevolent or private institution, providing that parents of resident children of any district must be residing in the district

on the first day of October and provided further that the resident children themselves must have been actual residents of the district immediately previous to such outside residence. The term "residing" is further defined in such a way as to exclude (1) children temporarily visiting in or passing thru such district, (2) children who have never actually resided within the district, even tho their parents or guardians shall reside within the district, (3) children who are residing within the district for the purpose of attending any district school or county high school or other public institution of learning or any private or benevolent institution of learning who shall be listed in the school district where their parents reside, (4) all children who may properly be included in the census of some other district. He shall take specifically and separately a census of all children under the age of six years in the manner aforesaid. The census of the clerk shall be made in alphabetical form upon blanks to be furnished by the county superintendent of schools and shall show the following facts:

1. The full name of all children less than twenty-one years of age and residing in the district on the first day of October. Such names shall be given by families under the name of the parents or guardian.

What facts
blanks must
show.

2. The Christian and surnames of both parents or guardian including initials of all middle names together with the place of residence of said parents or guardian specified by street and number if living in city or town, or if living in any other than a city or town the post-office address of such parents or guardian must be given. The year, month, and day on which each child was born and the age in years counting the first day of October and sex.

3. Such other facts as the Superintendent of Public Instruction may require.

He shall make under oath two full reports on blanks furnished for the purpose to the county superintendent of schools within fifteen days after the completion of the census and a copy of said report shall be delivered to the school trustees. Failure to make such report as specified, or the inclusion in such report of names of children which are fictitious or names of children which are not residents of the district shall constitute a misdemeanor and shall be punishable by a fine of not less than ten

Two reports.

Penalty for
failure.

dollars (\$10.00) nor more than fifty dollars (\$50.00). For taking the census the district clerk shall be paid by the board of trustees from the county school money to the credit of the district in the same manner as other contingent expenses are paid at a rate not exceeding ten cents for each child's name returned by him. The clerk shall not be paid for taking the census until after the list has been checked by the county superintendent, as hereinafter provided, and the correct number of children reported to the school trustees. He shall receive such other compensation for other services as may be allowed by the board of trustees. In case any district clerk shall fail to take the census as provided in this Act or shall fail to take a proper and accurate census at the proper time and if thru such neglect the district fails to receive its apportionment of school money, such school clerk shall be individually liable to the district for the full amount so lost and it may be recovered on a suit by any citizen of such district in the name and for the benefit of such district.

When clerk
shall be paid.

Liability for
failure.

Examination
by
superintendent.

Fictitious
reports.

Section 2. It shall be the duty of the county superintendent of schools upon receipt of the report as provided in Section 1 of this Act to carefully examine the same and check it for errors or duplications with other census reports filed by other clerks of school districts of his county. For the purpose of assisting him in checking duplication in such reports, he shall make an alphabetical card index, classified by families, showing the names of all children on the school census, which index shall be prepared in duplicate and a copy thereof forwarded to the Superintendent of Public Instruction as provided hereafter. If the name of the same person be found upon more than one report or if the report contains names which are fictitious or names which properly belong in some other school district, he shall strike out such fictitious names and all duplicate names from all lists except that of the district in which such person was residing in good faith on the first day of October. If the county superintendent should find upon any census list the names of any persons who he believes were not residents in good faith in such district as aforesaid or which he believes are fictitious, he shall notify the clerk of the particular school district and if said clerk shall not establish the correctness of the list within fifteen days after such notification, such names shall be stricken from the list. At the time of taking the annual census the clerk shall

use reasonable diligence to ascertain the number of blind and deaf mute persons residing in the district between the ages of five and twenty-one years with the names and post-office addresses of each.

Blind and deaf.

Section 3. That Section 971 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

Section 971. It shall be the duty of the county superintendent of schools to transmit within thirty days after he receives the school census from the district clerk, the duplicate copy of the census furnished by the clerk showing the name, sex, age, and the date of birth of each child under twenty-one years of age residing in the county, together with the names of the parents or guardians of such children, to the commissioner of the bureau of labor and industry. He shall also transmit to the Superintendent of Public Instruction in the year 1927 a duplicate of his alphabetical card index of the school census on uniform blanks provided by the Superintendent of Public Instruction, and every year thereafter cards for all new names shall be forwarded for insertion in the state file of the Superintendent of Public Instruction, together with a list of eliminations of names from previous years. No county superintendent shall be paid his salary for the last two months of his official year until he presents to the county commissioners receipts from the commissioner of the bureau of labor and industry and from the Superintendent of Public Instruction for such annual census reports and index of census list.

Copy to bureau of labor and industry.

List for Superintendent. Public Instruction.

Superintendent when paid.

Section 4. The Superintendent of Public Instruction shall check for duplications the card indexes as submitted by the county superintendents. If duplications between counties are found, such duplications shall be reported by the Superintendent of Public Instruction to the county superintendents of the counties in which the names are listed with instructions to the county superintendents to ascertain the actual place of residence of such families and to report findings. Failure of any county superintendent to report within fifteen days shall constitute authority for the Superintendent of Public Instruction to remove the names in question from the list of that county.

Checking card index.

Report.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage.

Approved March 9, 1927.

CHAPTER 119.

An Act Creating the State Common School Equalization Fund; Providing What Moneys Shall Constitute Such Fund; Making the State Board of Education the Common school Equalization Board; Providing for the Powers and Duties of Said Board; Providing the Method for Determining the Distribution of Such Fund, and Repealing All Acts and Parts of Acts in Conflict With This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Inheritance
tax fund.

Section 1. That the "Inheritance Tax Fund" provided for by Section 23 of Chapter 65 Session Laws of the Eighteenth Legislative Assembly; all moneys acquired from the sources referred to in Sections 1211 and 1212 Revised Codes of Montana of 1921 as amended by Chapter 104 Session Laws of the Eighteenth Legislative Assembly, being moneys received by the State of Montana from the Treasurer of the United States under the provisions of the act of Congress of February 25, 1920; being Federal Oil and Gas Royalties; all moneys acquired from the oil license tax and credited to the Common School Interest and Income Fund under the provisions of Sections 2398 and 2399 Revised Codes of Montana of 1921 as amended by Chapter 67 Session Laws of the Eighteenth Legislative Assembly; and all moneys acquired from the provisions of Initiative Measure No. 28, known as the Metal Mines Tax, and allotted to the Common School Interest and Income Fund under Section 12 of said Initiative Measure No. 28, be, and the same hereby are transferred to a fund to be known as the State Common School Equalization Fund, and the State Auditor and State Treasurer are hereby directed to set up such Fund on their respective books and transfer thereto all moneys now in, or hereafter received for the credit of the several funds above enumerated.

Section 2. The State Board of Education is hereby declared to be the Common School Equalization Board to administer and distribute said State Common School

Equalization Fund in the manner and with the powers and duties in this act provided.

Section 3. The State Board of Education, at its meetings to be held in the months of July and December in each year, shall determine the minimum educational program which shall be equalized, and in determining such educational program shall consider the following factors, viz.: the minimum length of school term, the minimum school tax levy, the assessed maximum valuation per child in average daily attendance, the minimum enrollment and such other factors as said Board may determine to be necessary for the purpose of carrying out the provisions of this act; provided, that aid from such State Common School Equalization Fund may be given to school districts with certain low enrollment, in case children belonging thereto are placed in school in other districts, and in case such districts meet all other requirements fixed and determined by said Board as conditions for such state aid. The State Board of Education, acting as such Common School Equalization Board shall have the power to require such reports from County Superintendents of Schools, County Treasurers, and School Trustees as it may deem necessary and shall provide rules and regulations for the purpose of carrying out the provisions of this act and providing, as nearly as possible and as far as the said fund will allow, nine months schooling each year for every child in the common schools of this state.

Meeting of
State Board
of Education.

Reports of
superintendent
etc.

Section 4. The State Board of Education, acting as such Common School Equalization Board, shall at the meeting above provided for certify to the State Auditor and State Treasurer the distribution of the funds available in the State Common School Equalization Fund, and the State Auditor shall thereupon draw his warrant and the State Treasurer shall pay the same to the several school districts so certified by said Board.

Distribution of
funds.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 120.

An Act to Permit Victoria Marceau, a Dependent of Louis Coty, Deceased, to File With the Industrial Accident Board of the State of Montana a Claim for Compensation by Reason of the Death of the Said Louis Coty; Said Claim to Be Filed Within Thirty (30) Days After the Passage and Approval of This Bill, With the Same Force and Effect As If It Had Been Filed Within the Time Required by Law.

Be it enacted by the Legislative Assembly of the State of Montana:

Allowing
filing of
claim.

Section 1. That Victoria Marceau, a dependent of Louis Coty, who was killed while in the employ of Lewis and Clark County, Montana on the twenty-third of July, 1926, and who failed to file a claim for compensation with the Industrial Accident Board within the time required by law, be permitted to file with the Industrial Accident Board of the State of Montana within thirty (30) days from the passage and approval of this bill her claim for compensation by reason of the death of the said Louis Coty in the same manner and with the same effect as if said claim had been filed within the time required by law.

Time to file.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 121.

An Act Defining the Duties of Persons Slaughtering or Selling Meat or the By-products of Neat Cattle; Defining and Providing for the Licensing of Butchers and Meat Peddlers; Providing for the Inspection and Stamping of Hides and Meat and for the Issuance and Recording of Certificates of Inspection; Providing Fees for Such Inspection; Designating Exceptions From This Act; Providing Penalties for the Violation of This Act, and Repealing Chapter 75 of the Act of the Eighteenth Legislative Assembly of Montana of 1923 and All Other Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, firm, corporation or association who, at a fixed location, slaughters or causes to be slaughtered neat cattle for the purpose of selling or distributing any of the meat or by-products of such cattle in this state, or who at a fixed place of business deals in or sells dressed meats, shall for the purpose of this act be designated as a "butcher." Every other person, firm, corporation or association who slaughters or causes to be slaughtered any neat cattle, or who deals in the selling of dressed meats elsewhere than at a fixed place of business, shall for the purpose of this act be deemed a "meat peddler."

Definition of
butcher.

Section 2. Every butcher shall pay to the county treasurer of each county wherein such butcher sells or distributes any meat or by-products of neat cattle, an annual license of Five Dollars, payable in advance in the month of January of each year. Every meat peddler shall pay to the county treasurer of each county wherein such peddler sells or distributes any meat or by-products of neat cattle, an annual license of One Hundred Dollars. This section shall not apply to the sale of meat by any person, firm, corporation or association who may slaughter or cause to be slaughtered any neat cattle of his own raising. The moneys collected from said license fees shall be placed in the general fund of the county to which they are paid.

License fee.

Peddler fee.

Own raising
exempt.

Section 3. All butchers and meat peddlers shall have the hide in its entirety with ears and tail attached of each beef inspected by a livestock inspector or deputy, or by a sheriff or his deputy, or by any person designated by the board of county commissioners, who shall mark said hide or hides by a hole at least one inch square near the root of the tail, before the beef is peddled, sold or offered for sale by said butcher or peddler, and, upon demand, must produce such hide or inspection certificate as hereinafter provided. The hide shall also be stamped in at least one place on the flesh side with an indelible stamp to be provided by the county, the form of which shall be specified by the Live Stock Commission, which shall correspond to the stamps on the carcass. Each of the four (4) quarters so presented shall also be stamped with an indelible stamp which shall correspond to the stamp on the hide as hereinbefore provided. Said inspector, or sheriff, or authorized inspector, shall keep a record and issue a certificate of inspection on a form provided

Marking of
hide.

Stamping
hides.

Bill of sale.

Fee for inspection.

by the county, which form shall be specified by the Live Stock Commission, giving the peddlers' or butchers' names, place of residence, the number of the stamp, the brand or brands on the hide or hides, the date of inspection, and the place where such inspection was made, and the officer making such inspection shall forward a copy of all inspections made on or before the first day of each month to the Secretary of the Live Stock Commission and to the county clerk of his county, which said record of inspection shall be placed on file in the offices aforesaid. When ownership is claimed by a bill of sale, the officer making the inspection shall demand and secure the original bill of sale, which shall be attached to the inspector's report submitted to the Live Stock Commission. When such bills of sale cover cattle not included in the inspection, the inspector shall issue to the holder his receipt, describing the balance of the cattle covered by the original bill of sale. Whenever such hide or hides shall be presented for inspection to an officer as herein provided, the person exhibiting the same shall pay to such officer a fee of ten cents for each hide so exhibited, which fee shall be retained by the officer making such inspection.

Any person who kills beef or veal in good faith for his own use shall not be required to have such meat inspected or stamped, nor shall he be required to procure any license provided for in this act.

Certificate of inspection.

Section 4. Every person or persons, firm, corporation, or association slaughtering cattle for their own use, must before disposing of the hide or hides from such cattle, have the same inspected by an officer authorized to make such inspections and secure a certificate of inspection as hereinbefore provided for. It shall be unlawful for any person or persons, firm, corporation or association, to sell or offer for sale any hide or hides from neat cattle which have not been inspected and stamped by an authorized inspector.

Unlawful without inspection.

Section 5. It shall be unlawful for any person or persons to purchase the carcass or any part thereof of any beef or veal without first making an examination and inspection for the state or federal inspection stamp. The provisions of this section shall not apply to any person or persons who shall purchase at retail beef or veal in quantities less than one quarter of an animal.

Section 6. In addition to the penalties provided by Penalty.
 Section 7 of this act, any meat peddler, as defined by this Act, who shall violate any of the terms of this Act, shall suffer a forfeiture of the license required by this Act and no meat peddlers' license shall again be issued to such person until the expiration of one year from the date of such conviction.

Section 7. Any person or persons who violate any of Penalty.
 the provisions of this Act, or who wilfully falsifies any of the records required by this Act, or who wilfully falsifies any of the records required by this Act to be kept, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment in the county jail for a period of not less than thirty days nor more than six months, or by both such fine and imprisonment for the first offense, and for each subsequent offense shall be deemed guilty of a felony and punished by imprisonment in the state prison for not less than one year nor more than five years.

Section 8. The provisions of this Act, excepting Section 2, shall not apply to butchers operating under Federal inspection.

Section 9. Chapter 75 of the Session Laws of the Eighteenth Legislative Assembly of Montana of 1923, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall take effect on and after June 1st, 1927.

Approved March 9, 1927.

CHAPTER 122.

An Act Making It Unlawful to Sell, Give Away, or Dispose of Intoxicating Liquor to a Minor, prescribing Punishment Therefor, Defining Intoxicating Liquor, and Repealing Chapter 39 of the Acts of the Eighteenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person who shall sell, give away or Selling of
liquor to
minor.
 dispose of intoxicating liquors to a minor, shall be guilty

Penalty

of a misdemeanor, and for the first offense, be punishable by a fine of not less than Two Hundred and Fifty Dollars, nor more than Five Hundred Dollars and by imprisonment for not less than six months nor more than one year in the county jail, and for the second and subsequent offenses, he shall be guilty of a felony and punishable by a fine of not less than Five Hundred Dollars, nor more than Two Thousand Dollars, and by imprisonment in the state penitentiary for not less than one year, nor more than two years. Nothing herein contained shall prohibit the furnishing of intoxicating liquor to minors upon any physician's prescription where authorized by the laws of the United States nor the furnishing of wine for sacramental purposes.

Definition
of terms.

Section 2. When used in this Act, or in any other laws of the State relating to intoxicating liquors, the word "liquor" or the phrase "intoxicating liquor" shall be construed to include alcohol, brandy, whiskey, rum, gin, beer, ale, porter, and wine, and in addition thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented or not, and by whatever name called containing one-half of one per centum, or more of alcohol by volume which are fit for use for beverage purposes; provided, that the foregoing definition shall not extend to dealcoholized wine, nor to any beverage or liquid produced by the process by which beer, ale, porter, or wine is produced, if it contains less than one-half of one per centum of alcohol by volume.

Section 3. That Chapter 39 of the Acts of the Eighteenth Legislative Assembly of the State of Montana be, and the same is hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 123.

An Act Relating to the Registration of Motor Vehicles; Relating to the Application for Registration; Defining the Duties of the County Treasurer and the Registrar of Motor Vehicles; and Providing a Penalty for Failure to Make Application for Registration Within a Prescribed Time.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That in addition to any information required by Section 1759 of the Revised Codes of Montana of 1921, every owner of a motor vehicle operated or driven upon the public highway of this state, shall, for each motor vehicle owned, except as otherwise expressly provided, in his verified application for the registration thereof on a blank to be furnished by the registrar of motor vehicles, include the following information:

Information in application for registration of vehicles.

1. Whether such applicant was the owner of such motor vehicle on the first Monday of March of the year next preceding the year for which registration is applied.

2. And if so whether or not the property tax on such motor vehicle has been paid for such year.

3. And such other information relating to taxation as may be required by the State Board of Equalization.

Section 2. The County Treasurer of each County, shall, not later than the second Monday of December of each year, mail to the registrar of motor vehicles of the State of Montana, a certified list of the names of all owners of motor vehicles, who have not paid the property taxes on such motor vehicles for the current year, and which said taxes are not a lien on the real estate of the owner, as shown by the records in his office. Such list shall also include the engine number of such motor vehicle.

Treasurer list to registrar delinquent taxes.

Section 3. The Registrar of Motor Vehicles shall compare and check each application for registration with the said County Treasurer's list of names of delinquents of the County wherein the applicant resides, and if he finds therefrom, or from any other source, that the property tax has not been paid on such motor vehicle for the year next preceding the year for which registration is applied, he shall immediately notify the applicant by mail of such finding and further that he cannot issue the registration

Duty of registrar.

certificate therefor, until such delinquent property tax has been paid and the proof thereof, by receipt or certificate of the proper County Treasurer, has been filed in his office. And the Registrar of Motor Vehicles shall not issue such registration certificate until such delinquent property tax has been paid and such proof thereof has been filed in his office.

Penalty for
late
registration.

Section 4. Whenever any application is made for the registration of a motor vehicle after the 30th day of April, in any year, the applicant shall be required to pay, in addition to the registration fee required therefor, a penalty of ten per centum (10%) of such registration fee for having failed to secure registration of such motor vehicle prior to such date; provided, however, that no such penalty shall be required to be paid when the applicant shall present with his application;

Exceptions.

Certificate of
dealers to
sale.

1. A certificate from a dealer in this state to the effect that such motor vehicle was not sold by such dealer as a used or second hand vehicle but as a new vehicle, and that it was not delivered to the purchaser by such dealer until after the 30th day of April in the year in which such application for registration is made:

Certificate
of delivery.

2. Or, a certificate from a dealer in this state to the effect that such motor vehicle was not delivered by the dealer to such purchaser until after the 30th day of April in the year in which application is made for registration, and that it was sold by such dealer as a used or second hand motor vehicle, but that it had been in the possession of such dealer, as a part of his stock, at all times since the 31th day of December, immediately preceding.

Affidavit of
state entrance.

3. Or, an affidavit of the applicant that such motor vehicle was not brought into this state until after the 30th day of April in the year in which application is made for registration.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect on and after December 1st, 1927.

Approved March 9, 1927.

CHAPTER 124.

An Act Relating to the Testing of Scales; Authorizing the Employment of a State Scale Expert and Deputies, and Defining Their powers and Duties; Providing Fees for Testing Scales; Prohibiting the Use of Any Weighing Device Condemned or Rejected; Creating a Contingent Revolving Fund to Defray the Expenses of the State Scale Expert and His Deputies; Providing Penalties for the Use of Weighing Devices, Which Have Not been Tested As Required by This Act and for Making False Tests and for Other Violations of the Provisions of This Act, and Repealing Section 3575 of the Revised Codes of Montana of 1921, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Commissioner of Agriculture shall employ an expert tester of scales, known as the State Scale Expert, whose duties it shall be under such rules and regulations as the Commissioner may prescribe to test all scales within this state whereon grain is weighed at elevators and public warehouses; also to test all wagon scales, track scales, beet scales, stock scales, wool scales, coal scales and truck scales within the State of Montana once each year whereon coal, grain, sugar beets and other farm commodities are weighed for the public. The State Scale Expert and each deputy shall give a bond to the State of Montana in the sum of One Thousand Dollars (\$1000.00) conditioned upon the faithful performance of his duties. It shall be the duty of the State Scale Expert and his deputies to enforce the provisions of this Act and they shall have full police power to enter or go into or upon, with or without formal warrant, any place, building or premises, for the purpose of making proper test, as required by this Act. The Commissioner of Agriculture shall make such rules and regulations as he may deem necessary to carry out the provisions of this Act.

Tester of
scales.

Duties.

Bonds.

Duties.

Section 2. There shall be collected by the State Scale Expert and his deputies from each person, firm, co-partnership or corporation, for each track scale tested, the sum of Ten Dollars (\$10.00) and for each shipping scale with a capacity of forty thousand (40,000) pounds, and over, Ten Dollars (\$10.00); for each wagon scale, truck scale, coal scale, dump scale, shipping scale, beet

Fees for
tests.

scale, wool scale and stock scale, Five Dollars (\$5.00); and for each dormant platform scale, Three Dollars (\$3.00); and for each portable scale, grain tester and other small scales used for weighing or testing grain in grain elevators or warehouses, One Dollar (\$1.00).

Expenses.

Section 3. All bills and accounts of expense incurred by the State Scale Expert and his deputies shall be presented to the Board of Examiners and allowed by said Board in the same manner as provided for other claims contracted for and in behalf of the State of Montana. And to expedite the handling of the work in the field there shall be set aside a contingent revolving fund of Two Thousand Dollars (\$2000.00) out of which the expenses of the field men shall be paid each week, together with other emergency cash claims.

Revolving fund.

Certificate
of test.

Section 4. A suitable certificate shall be prepared by the State Scale Expert to be affixed to all weighing devices tested under the terms of this Act. Said certificate shall bear the signature of the State Scale Expert or his deputy doing the work and shall indicate the date when the test was made and whether the device was sealed or condemned.

Inspections
when made.

Section 5. No weighing device, which has not been tested as prescribed herein, shall hereafter be used without permission from the Department of Agriculture, and an inspection of each such weighing device shall be made at least once each year, provided, however, that a period of sixty (60) days after the passage of this Act shall be allowed for the first test of all such scales and weighing devices, and no person shall be prosecuted for any violation of the terms of this Act until after said sixty (60) days period. The Department of Agriculture shall at the request of the owner of any weighing device subject to the terms of this Act inspect and test such apparatus. Any person or persons making use of weighing devices subject to the terms of this Act must report to the Commissioner of Agriculture in writing the number and location of said weighing device and must promptly report the installation of any new weighing device. No weighing device rejected or condemned after inspection as required by this Act shall be used until the same has been tested and sealed as required by this Act.

Section 6. The Department of Agriculture may grant permission for the use of a weighing device until the in-

spection can be made (without causing too great expense), as provided by this Act.

Section 7. Any State Scale Expert or deputy who shall make a false test of any scale or who shall seal the same without having been properly tested in accordance with the terms of this Act, shall be guilty of a misdemeanor and punished as provided in Section seven. The use of a weighing device covered by this Act after same has been condemned shall be punishable as provided in Section seven of this Act.

False test.
Penalty.

Section 8. Section 3575 of the Revised Codes of Montana of 1921 and all Acts and parts of Acts in conflict herewith are hereby repealed, provided, however, this Act shall not be construed as repealing any of the provisions of Section 3454 of the Revised Codes of Montana, 1921.

Section 9. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 125.

An Act to Amend Section 640 of the Revised Codes of Montana of 1921 as Amended by Chapter 133 of the Session Laws of the Eighteenth Legislative Assembly, Providing for the Filing of Petitions for Nomination, Providing for the Fees for Such Petitions, and Providing That No Person Shall Have His Name Printed on the Ballot at the General Election Without the Payment of Such Fee.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 640 of the Revised Codes of Montana of 1921, as amended by Chapter 133 of the Session Laws of the Eighteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

"Section 640. Petitions for Nomination to Be Filed. Any person who shall desire to become a candidate for nomination to any office under this law shall send by registered mail, or otherwise, to the Secretary of State, County Clerk, or City Clerk, a petition for nomination, signed by himself, accompanied by the filing fee herein-after provided for, and such petition shall be filed and

Petition for nomination.

shall be conclusive evidence for the purpose of this law that such elector is a candidate for nomination by his party. All nominating petitions pertaining to congressional, state or district offices to be voted for in more than one county, and for judges of the District Court shall be filed in the offices of the Secretary of State; for county and district offices, to be voted for in one county only, and for township and precinct offices, shall be filed in the office of the County Clerk; and for all city offices in the office of the City Clerk:

Where filed.

Required fees. The fees required to be paid for filing such petitions shall be as follows:

For any office with a salary attached of One Thousand Dollars (\$1,000.00) or less per annum, Ten Dollars (\$10.00); except candidates for the State Senate and House of Representatives shall be Fifteen Dollars (\$15.00).

For any office with a salary attached of more than One Thousand Dollars (\$1,000.00) per annum, one per cent (1%) of total amount of annual salary.

For the office of County Commissioner in counties of the first class Forty Dollars (\$40.00); in counties of the second class, Thirty-five Dollars (\$35.00); in counties of the third class, Thirty Dollars (\$30.00); in counties of the fourth class, Twenty-five Dollars (\$25.00); in all other classes of counties Ten Dollars (\$10.00).

For the office the compensation of which consists of fees instead of a salary, Five Dollars (\$5.00).

For state, county and precinct committeeman, delegates to national conventions and presidential electors no fees shall be required to be paid.

Written in candidates.

Declaration

Fee.

Any person receiving the nomination by having his name written in on the primary ballot, and desiring to accept such nomination, shall file with the Secretary of State, county clerk, or city clerk, a written declaration indicating his acceptance of said nomination within ten (10) days after the election at which he receives such nomination, and at the same time he shall pay to the officer with whom such declaration of acceptance is filed the fee above provided for filing a primary nominating petition for such office. No candidate receiving a nomination at a primary election as above provided shall have

his name printed on the official ballot for the general election without complying with the provisions of this section."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1927.

CHAPTER 126.

An Act Relating to Elections, Providing a Method of Electing Presidential Electors and Delegates to National Conventions by Political Parties, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The term Political Party as used in this Act shall include any party conducted for political purposes, which now has or hereafter shall perfect a national organization.

Political party what termed.

Section 2. All political parties in Montana shall hereafter nominate their presidential electors and elect their delegates to National Conventions in the manner provided by this Act. It shall be the duty of each political party to select in each County in the State in such manner as is now provided by law, or by the rules of the party in case the law does not so provide, a precinct committeeman for each election precinct, a county chairman in each County and a State chairman.

Committeeman and chairman.

Section 3. In each year when a President of the United States is to be chosen a county convention shall be held by each political party on the second Tuesday in May in each County in the State, composed of the County precinct committeemen of the party. The chairman of the County Central Committee shall call said county convention and, not less than ten days nor more than two weeks before the date of the convention, shall publish said call in a newspaper published at the county seat and shall mail a copy of the call to each precinct committeeman. In the event there is no county central committee in any county, the state central committee of the political party having no county central committee in said county shall appoint a county central committee therein and said

Convention.

county central committee shall have the same powers and duties as county central committee selected as now provided by law.

Presiding
officer.

Section 4. The county chairman of the party shall preside at the county convention. No person other than a duly elected or appointed precinct committeeman shall be entitled to sit in said convention or participate in its proceedings. No proxy shall be recognized unless held by an elector of the precinct of the committeeman executing the same. In case of the absence of any precinct committeeman and his duly appointed proxy, the convention may fill the vacancy by appointing some qualified elector of the party, resident in the precinct, to represent such precinct in the convention.

How organized.

Section 5. Said county convention shall organize by the appointment of a Secretary, who, with the chairman of the meeting, shall issue and sign certificates of election to the delegates and alternates elected by the convention. The convention shall elect delegates and alternate delegates to attend the State Convention, in a number equal to the total number of State Senators and Representatives elected from said County to the Legislative Assembly.

Purpose of
convention.

Section 6. On the third Tuesday in May the delegates (or alternate delegates in case any elected delegates can not attend) shall hold a State Convention at the seat of government for the purpose of electing delegates and alternates to the National Convention of the party, and presidential electors.

How conducted.

Section 7. Said State Convention shall be conducted in accordance with the party rules, subject, however, to the following requirements:

Requirements.

The Chairman of the State Central Committee shall call the State Convention and shall publish the call at least once in a newspaper published at the seat of the Government. Said call shall be published not less than ten (10) days nor more than two (2) weeks before the date of the convention and a copy of the call shall be mailed to the County Chairman in each county. The Chairman of the State Central Committee shall preside over the convention and, together with a secretary chosen by the convention, shall sign certificates of election, which shall, be delivered as credentials to the several persons elected by the convention as delegates to the national convention of

said party, and certificates of nomination for presidential electors for said party which shall be filed with the Secretary of State. Only regularly elected delegates or alternates shall be entitled to sit in said convention or participate in its proceedings and no proxies shall be recognized by the convention. In case of the absence of a member or members of the delegation elected from any County the delegates present for said County shall be entitled to cast a number of votes equal to the number of delegates elected to the Convention from said County.

Section 8. The entire expense of conducting the County and State conventions herein provided for shall be defrayed by the several political parties, except that each elected delegate or alternate who shall attend the State convention and participate therein shall receive the sum of five (5c) cents per mile for each mile actually travelled by him in going to and returning from said convention, said mileage to be computed by the shortest practicable route, and to be paid out of the general funds of the County in the same manner as other election expenses. Expenses.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1927.

CHAPTER 127.

An Act Transferring the Balance of the State Law Enforcement Fund Remaining in the State Treasury to the Department of the Attorney General; Creating the Law Enforcement Fund of the Attorney General's Department, and Providing the Purpose and Use of Such Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby transferred to the Department of the Attorney General all the balance remaining in the State Law Enforcement Fund resulting from the enforcement of the State Laws relating to the sale, possession and manufacture of intoxicating liquors, and the State Treasurer is hereby directed to transfer such fund on his books.

Law enforcement fund transferred.

Purpose.

Section 2. This Fund shall be known as the Law Enforcement Fund of the Attorney General's Department, and shall be expended by him for the purpose of enforcement of the laws of the State and for no other purpose.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 128.

An Act to Enable Cities and Towns to Purchase, Construct and Develop An Adequate Supply of Natural Gas and to Acquire or Construct a System of Gas Lines for the Distribution Thereof and to Distribute the Same to the Inhabitants of Said City or Town and Vicinity.

Be it enacted by the Legislative Assembly of the State of Montana:

Construction
loans.

Section 1. The City or Town Council has power to contract an indebtedness of a city or town upon the credit thereof by borrowing money or issuing bonds for the construction, purchase or development of an adequate supply of natural gas, and to construct or purchase a system of gas lines for the distribution thereof to the inhabitants of said city or town or vicinity; provided, that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness must not at any time exceed three per centum (3%) of the total assessed valuation of the taxable property of the city or town as ascertained by the last assessment for state and county taxes, and provided further, that no money must be borrowed or bonds issued for the purposes herein specified until the proposition has been submitted to the vote of the tax payers affected thereby of the city or town, and the majority vote cast in favor thereof.

Limitation.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 129.

An Act to Amend Section 1755, Revised Codes of Montana, 1921, As Amended by Chapter 177, Laws of the Nineteenth Legislative Assembly, 1925, Relative to the Registrar of Motor Vehicles, His Duties and Functions, and Clerical Assistance for Said Registrar.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1755, Revised Codes of Montana, 1921, as amended by Chapter 177, Laws of the Nineteenth Legislative Assembly, 1925, be, and the same hereby is, amended to read as follows:

“Section 1755. 1. The Warden of the State Penitentiary be, and is hereby constituted the registrar of motor vehicles, of motor dealers and of chauffeurs, and that as such it shall be his duty to keep a record as hereinafter specified of all motor vehicles of every kind, of all dealers in motor vehicles, and of chauffeurs, and to assign to each a distinctive serial registration number.

Registrar
duties.

2. In the case of motor vehicles the record shall show the following: Name of owner, residence by county, business address, manufacturer of car, manufacturer's designation of style of car, manufacturer's serial number, year of manufacture, character of motive power, manufacturer's horsepower rating and the distinctive serial number assigned such car, also whether or not to be used exclusively for commercial purposes, and if so, manufacturer's rating of load carrying capacity, and such other information as may from time to time be found desirable.

Records
contents.

3. In the case of dealers the record shall show the name of the applicant, his residence, and address by town and county, his business address, and the distinctive number assigned him.

4. The Registrar of Motor Vehicles shall qualify by giving a bond of Fifty Thousand Dollars (\$50,000.00), providing for the faithful performance of his duty. He shall be entitled to one deputy at a salary not to exceed Three Thousand Dollars (\$3,000.00) and two civilian clerks at a salary not to exceed One Hundred Fifty Dollars (\$150.00) per month, who shall be selected by said Registrar of Motor Vehicles, the salary of which deputy and the salaries of which clerks shall be fixed by the State Board of Examiners. The remaining clerical help

Bonds.

Salary.

Clerks and
salaries.

shall be selected by the Registrar of Motor Vehicles from among the inmates of the State Penitentiary.

Equipment.

5. All office equipment, books, files and records belonging to the motor vehicle department as now located shall be transferred to the State Penitentiary.

Transmitting
of funds.

6. The Registrar of Motor Vehicles shall on the twenty-fifth day of each month transmit to the State Treasurer all moneys collected by him.

Distribution of
license lists.

7. The Registrar of Motor Vehicles shall at the end of each month prepare lists of licenses sold for the current month, showing the number of license sold, the name and address of party to whom sold, engine number and make of car. Such lists shall be distributed to the Sheriffs and Clerk and Recorder and Assessors of each county of the state by the Registrar of Motor Vehicles."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 130.

An Act to Amend Section 8385 of the Revised Codes of Montana of 1921, Relating to the Enforcement of Agister's Liens.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8385 of the Revised Codes of Montana of 1921, be, and the same hereby is amended to read as follows:

Lien how
enforced.

"**Section 8385. Procedure to Enforce Lien—Sale.** If payment for such work, labor, feed, or services, or material furnished, is not made within thirty (30) days after the performance or furnishing of the same, the person entitled to a lien under the provisions of this section may enforce said lien in the following manner: He shall deliver to the sheriff or a constable of the county in which the property aforesaid is located a statement of the amount of his claim against said property, a description of the property, and the name of the owner thereof,

Sale.

or of the person at whose request the work, labor, or services were performed, or the materials furnished. Upon receipt of such statement, the sheriff or constable shall proceed to advertise and sell at public auction so much of the property covered by said lien as will satisfy same. Such sale shall be advertised, conducted, and held in the same manner as provided by law for the sale of mortgaged personal property by sheriffs. Such notice shall be given for not less than five (5) nor more than ten (10) days prior to the date of sale. The proceeds of the sale shall be applied by the sheriff to the discharge of the lien and the costs of the proceedings in selling the property and enforcing the lien, and the remainder, if any, or such part as is required to discharge the claims, shall be turned over by the sheriff to the holders, in the order of their precedence, of the chattel mortgages or other lien claimants of record against said property, and the balance of the proceeds shall be turned over to the owner of the property. Providing, however, that before making seizure of any property under the provisions of this Section, the sheriff may require an indemnity bond from the lienor in not to exceed double the amount of the claim against said property, said bond and the surety or sureties thereon to be approved by said sheriff.

Notice.

Indemnity
bond.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 131.

An Act Providing for the Refunding of Money Paid by Purchasers or Owners of Certificates of Tax Sales, and Providing a Lien on Land Sold for Delinquent Taxes, in Favor of the Owner of Such certificate, Who, or Whose Assignor, Has Paid Subsequent Taxes Upon Such Land.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Where a sale of land for delinquent taxes thereon, is declared void by judgment of court for irregularity in the assessment, levy or sale, the money paid by

Refund of
interest to
purchaser.

Lien of
county.

Assignments.

Lien of
purchaser for
advancements.

Possession.

the purchaser at the sale, or by any assignee of the State, County, City, Town, or District, upon taking the assignment, shall, with interest at the rate of eight (8) per cent per annum, from the date of such payment, be refunded to the purchaser or owner of such tax certificate, upon the order of the Chairman of the Board of County Commissioners of the County in which such lands lie; and the County shall then have a lien upon said property for the legal taxes on said property for the year in which it was sold together with the penalty and interest, and so much of such money as has been paid to the State, City, Town or District by the Treasurer of such County shall be charged to the State, City, Town or District by such Treasurer, and deducted from the next money due the State, City, Town or District respectively on account of taxes paid or collected; provided, further, that purchasers of such certificate or owners thereof by assignment, where sales have been made by Cities or Towns, which by resolution or ordinance collect their own taxes, instead of having the same collected by the County Treasurer, shall be reimbursed, in similar manner and in similar circumstances, out of the City or Town Treasury, upon order of the Mayor, with proper changes and deductions against the respective funds of the said City or Town, upon the next collection of taxes by said City or Town; and, provided, further, that if such purchaser or owner of such certificate, after such purchase or assignment from the State, County, City, Town or District, have paid the taxes, penalty and interest upon such piece or parcel of land, he or his assignee thereof, shall have a lien upon such piece or parcel for the amount of taxes, penalty and interest so paid, with interest as now provided by law to be collected upon delinquent taxes, which lien shall have the same priority as is now provided by law; and if he is in possession of such piece or parcel of land, he shall not be ejected therefrom until such amount and interest and penalty shall be paid.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 132.

An Act to Amend Section 1281 of the Revised Codes of Montana, 1921, Relating to the Levy for High School Purposes in Counties Not Maintaining a County High School.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1281 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

“**Section 1281.** In any county not maintaining a county high school but in which one or more districts maintain high school classes duly accredited for one (1), two (2), three (3) or four (4) years of high school work by the State Board of Education, a special tax, not exceeding five mills on each dollar of taxable property in the county, shall be made for the benefit of such schools. When such levy is to be made, the chairman of the Board of Trustees in each school district in which an accredited high school has been maintained during the preceding school year shall, on or before the first day of August in each year, recommend and advise the Board of County Commissioners as to the amount of money required, and the Board of County Commissioners shall thereupon fix such a levy, not exceeding five (5) mills, as will raise sufficient money to meet the expenses of such accredited high school for maintenance during the ensuing school year, and the money derived from such levy shall be apportioned by the County Superintendent of Schools to the several districts in which such accredited high schools are maintained as follows: Two-thirds of the total amount in proportion to the number of teachers employed and necessary for the effective instruction of pupils in accredited high school work, and one-third of the total amount in proportion to the total number of days’ attendance by pupils doing accredited high school work for the school year next preceding, as determined by the said County Superintendent, provided that the number of teachers allotted to any school for the purpose of such apportionment shall be determined in accordance with a uniform method to be announced by the State Board of Education.”

Special tax.

Amount needed
how raised.

How
proportioned.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 133.

An Act to Amend Section 5653 of the Revised Codes of Montana of 1921 Relating to Giving Preference to Soldiers and Sailors and Disabled Civilians in Certain Public Employment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5653 of the Revised Codes of Montana of 1921 be, and the same hereby is amended to read as follows:

Preference of
employment
to soldiers
and sailors
in public
positions.

Citizenship.

“Section 5653. Preference of Soldiers and Sailors in Public Employment. In every public department, and upon all public works of the State of Montana, and of any county and city thereof, honorably discharged Union soldiers and sailors and their widows of the Civil War, the Spanish-American War, the Philippine Insurrection, and of the late war with Germany and her allies, and any disabled civilian recommended by the State Rehabilitation Bureau, shall be preferred for appointment and employment; age, loss of limb or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the business capacity, competency and education to discharge the duties of the position involved; provided, however, that none of the benefits of this Act shall accrue to any person who refused to serve on active duty in the military service to which attached, or to take up arms in the defense of the United States; provided, however, that no person, not a citizen of the United States, shall be employed by any State, city or county officer in any capacity if competent American labor is available; and, provided, further, that no person who has not been a resident of Montana for at least one (1) year immediately preceding an appointment shall be entitled to such preference; provided further, that for city or county employment no preference will be granted unless applicant under this Act is also a resident of the city or town or county in which employment is sought.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 134.

An Act to Amend Section 4767 of the Revised Codes of Montana of 1921, As Amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly and As Further Amended by Chapter 137 of the Laws of the Nineteenth Legislative Assembly, Relating to the Deposit of County, City and Town Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4767 of the Revised Codes of Montana of 1921, as amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly and as further amended by Chapter 137 of the laws of the Nineteenth Legislative Assembly, be and the same is hereby amended to read as follows:

“**Section 4767. Deposit of Public Funds.** It shall be the duty of all county, city and town treasurers to deposit all public moneys in their possession and under their control in any solvent bank or banks located in the county, city or town of which such treasurer is an officer, subject to national supervision or State examination, as the Board of County Commissioners, in the case of a county, or of the council in the case of a city or town, may designate, and no other. The sums so deposited shall bear uniform interest at the rate of not more than two per centum (2%) per annum, payable quarter annually. The Treasurer shall take from such banks such security as the Board of County Commissioners, in the case of a county, or the council, in the case of a city or town, may prescribe, approve and deem fully sufficient and necessary to insure the safety and prompt payment of all such deposits on demand, together with the interest thereon. Such securities shall consist of bonds of some surety company authorized to do business in the State of Montana, or bonds guaranteed by such companies directly or indirectly, bonds and securities of the United States Government and its dependents, bonds and warrants of the State of Montana or of any county, city, town or school district of Montana, personal bonds, as herein-

Where
treasurers are
to deposit
money.

Interest rate.

Security.

Kind of
security.

after provided, when accompanied by a sworn statement of the resources and liabilities of each of the sureties thereon, which shall be attached and made a part of the bond and corporation bonds issued in the United States of America, which are quoted on the New York market, which shall be acceptable at not to exceed ninety per cent (90%) of such market quotation. Provided, further, that when negotiable securities are furnished, such securities may be placed in trust and the trustees receipt may be accepted in lieu of the actual securities when such receipt is in favor of the Treasurer, his successors and the State of Montana, and the form of receipt and the trustee have been approved by the State Examiner or Superintendent of Banks. All warrants or other negotiable securities must be properly assigned or endorsed in blank. It shall be the duty of the board of county commissioners in the case of county funds, or the council in the case of funds of a city or town, upon the acceptance and approval of any of the above mentioned bonds or securities, to make a complete minute entry of such acceptance and approval upon the record of their proceedings, and such bonds and securities shall be re-approved at least quarter annually thereafter. When more than one bank is available in any county, for the deposit of county funds, or in any city or town for the deposit of city or town funds, such deposits shall be distributed ratable among all of such banks qualifying therefor, substantially in proportion to the paid-in capital and surplus of each such bank willing to receive such deposits under the terms of this Act, and it shall be the duty of said county, city or town treasurer to pro rate all such deposits among all of the banks qualified to receive the same as in this Act provided, to the end that an equitable distribution of such deposits shall be maintained. Whenever it shall come to the attention of the State Examiner that the funds of any county, city or town are not properly distributed as provided in this Act, the State Examiner shall order the Treasurer of such county, city or town to distribute said funds in accordance herewith, and if such treasurer shall refuse or neglect to comply with such order, it shall be the duty of the State Examiner to institute proceedings against such treasurer at the cost of the county, city or town of which such treasurer is an officer, on the official bond of such treasurer. If no such bank exists in the county, city or town, or if any bank or banks

Negotiable
securities.

Minute entry
of proceedings.

Duties of
State Examiner.

Where placed
when banks
can't qualify.

existing therein fails or refuses to qualify under the terms of this Act to receive such deposits, then and in such case, or in either of such cases, such moneys as have not been accepted by any bank or banks within said county, city or town, shall be deposited under the terms of this Act, in the bank or banks most convenient to such county, city or town, willing to accept such deposits under the terms of this Act, and qualified as above provided. Any bank or banks receiving such deposits, shall, through its president and cashier, make a statement quarter annually of account, under oath, showing all such moneys that have been deposited with such bank during the quarter, the amount of daily balance in dollars, and the amount of interest by such bank or banks credited or paid therefor, and showing that neither such bank nor any officer thereof, nor any person for it, has paid or given any consideration or emolument whatsoever to the treasurer or to any other person other than the interest provided for herein, for or on account of the making of such deposits, with any such bank. All such deposits shall be subject to withdrawal by the treasurer in such amounts as may be necessary from time to time, and no deposit of funds shall be made, or permitted to remain in any bank, until the security for such deposits shall have been first approved by the Board of County Commissioners in the case of county funds, or by the council in the case of city or town funds, and delivered to the treasurer. All interest paid and collected on such deposits shall be credited to the general fund of the county, city or town to whose credit such funds are deposited. Where moneys shall have been deposited in accordance with the provisions of this Act, the treasurer shall not be liable for loss on account of any such deposit that may occur through damage by the elements, or for any other cause or reason occasioned through means other than his own neglect, fraud, or dishonorable conduct.

Bank's
statement.

Deposits
subject to
withdrawal at
any time.

Approval of
securities.

When
treasurer not
liable.

No personal bond shall be accepted except when such bond is for the purpose of renewing a personal bond now in effect, and from and after March 1, 1929, personal bonds shall not be considered as acceptable security; provided, further, that from and after the passage and approval of this Act, no new or additional deposit accounts shall be opened by any treasurer under any personal bond."

No personal
bonds
acceptable.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 135.

An Act to Amend Section 5138 of the Revised Codes of Montana, of 1921, Relating to the Hours of Continuous Employment of Firemen in Cities of the First and Second Class, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5138 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Hours of
employment.

“Section 5138. Hours of Work of Members of Fire Department in Cities of First and Second Class. No fireman, or member or employee of the fire department of cities of the first and second class, shall be required to be on continuous duty to exceed fourteen (14) hours of each twenty-four (24) hour day, save and except the chief of such department, who shall be subject to call at any time; provided, that the chief of any department, or a captain thereof, may in his discretion, in cases of necessity, recall to service any member or employee of the fire department then off duty who shall be needed by such department at the time called; (provided, however, that each and every salaried fireman shall be allowed one day off duty in each eight-day (8) period after the taking effect hereof, without loss of compensation.”)

Cases of
necessity.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1927.

CHAPTER 136.

An Act Defining and Regulating Pasteurization; Requiring the Pasteurization of All Milk or Cream Used by Creameries in This State for the Manufacture of Butter for Sale and the Pasteurization of All Milk or Cream Used in the Manufacture of Ice Cream for Sale, Except As in This Act Otherwise Provided; Defining Creameries; Regulating the Sale of Ice Cream and the Labeling of Containers and Providing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The process of pasteurization as applied to milk, skim milk, cream and other milk products, is hereby defined to be a process for the elimination therefrom of organisms harmful to human beings, which process shall consist of one of three following methods.

Definition of
pasteurization.

1. Uniformly heating such milk, skim milk or cream, as the case may be, and holding the same at a minimum temperature of one hundred forty-five (145) degrees Fahrenheit for a period of not less than thirty minutes or more than one hour.

Three methods.

2. Heating such milk, skim milk or cream, and holding the same at a minimum temperature of one hundred seventy (170) degrees Fahrenheit, for a period of not less than ten minutes.

3. The flash method which consists of heating such milk, skim milk or cream to a temperature of at least one hundred eighty-five (185) degrees Fahrenheit.

Section 2. That within the State of Montana, all milk or cream used in a creamery for the purpose of being made into butter for sale or other commercial purposes, shall be pasteurized by one of the three methods required in this Act. A creamery shall be defined as a place where the milk or cream from three or more herds of cows, owned and kept independently of one another, is used for making into butter for sale or other commercial purposes.

Creamery
pasteurization
for butter.

Section 3. That within the State of Montana all milk or cream used in the manufacture of ice cream made for sale, shall be pasteurized before being made into such ice cream and all butter used in the manufacture of ice

Ice cream.

cream made for sale, shall be made from pasteurized materials. The method of pasteurization employed shall be one of the three methods required in this Act.

Proviso for
tested cow
product.

It is provided, however, that ice cream may be made without pasteurization and sold, when all milk or cream used in its manufacture is from cows that have been tuberculin tested within one (1) year preceding the date of such manufacture and found to be non-reacting, and when all other requirements of the laws of the State of Montana have been complied with. That in each and all places, within the State of Montana, where ice cream is sold; and the provisions of this Act have been complied with, a notice issued under the authority of the division of Farming and Dairying of the State Department of Agriculture, Labor and Industry and counter-signed by the Chief of said Division of Farming and Dairying, shall be posted in a conspicuous place, informing the public that the ice cream sold or offered for sale there is made from pasteurized materials, or from milk or cream from tuberculin tested and non-reacting cows, as the case may be.

Posting of
notice.

Apparatus
regulations.

Section 4. All apparatus used for the pasteurization of milk, skim milk, or cream shall be kept in strictly clean and sanitary condition and every pasteurizing plant shall be equipped with sufficient recording thermometer devices to accurately record the temperature to which, and the length of time for which the pasteurized product has been heated. All recording thermometer devices used in the pasteurization of any milk, skim milk or cream must be approved by and at all times subject to the approval of the Department of Agriculture, Labor and Industry of the State of Montana. Any person, firm or corporation using pasteurizing apparatus within the State of Montana shall date, preserve and keep on file for a period of not less than two months after the same are made, all records made by such thermometer, or in lieu of such preservation may deliver such records to any public officer authorized by law or ordinance to receive same, and said records shall, at all times, be open to the inspection of said Department of Agriculture, Labor and Industry, State Board of Health, Livestock Sanitary Board, and of all other state, county and municipal officers charged with the enforcement of laws and ordinances respecting dairy products or the public health.

Records of
Thermometers.

Section 5. It shall be unlawful for any person, firm, or corporation by himself or itself, or by his or its servant, agent or employee, to sell, offer for sale, or exchange, or have in his or its possession for sale or exchange, any milk, skim milk, cream, butter or ice cream, in any container or package, marked, labelled or in any other way designating the contents thereof as "pasteurized," unless the same has been treated by such a process of pasteurization as is required by the laws of the State of Montana, or have been made from pasteurized materials.

Designation of
"pasteurized."

Section 6. Any person, firm or corporation who either directly or indirectly, or by his or its servant, agent or employee, shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00), or by imprisonment in the county jail for not less than ten (10) days, nor more than sixty (60) days, or by both such fine and imprisonment.

Penalty.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1927.

CHAPTER 137.

An Act to Amend Section 105, of Chapter 6 of the Revised Codes of Montana of 1921, Relating to the Printing, Binding and Delivery of Referendum and Initiative Measures.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 105 of Chapter 6 of the Revised Codes of Montana of 1921, be, and the same is, hereby amended to read as follows:

"**Section 105.** The Secretary of State shall furnish a copy of each of the proposed measures to be submitted to the people to, and make requisition on, the State Purchasing Agent for the printing, and delivery to him of all proposed initiative and referendum measures to be submitted to a vote of the people.

The State Purchasing Agent, shall, not later than the first Monday of the third month next before any general

Printing of
measures.

or special election, at which any proposed law is to be submitted to the people, cause to be printed a true copy of the title and text of each measure to be submitted, with the number and form in which the question will be printed on a separate official ballot. It shall be the duty of the State Purchasing Agent to call for bids, and contract with the lowest responsible bidder for the printing of the proposed law to be submitted to the people.

Bids.

How printed.

The proposed law to be submitted shall be printed in news type, each page to be six inches wide by nine inches long, and when such proposed measure constitutes less than six pages, it shall be printed flat and forwarded to the County Clerk and Recorder of each of the several counties in that form.

When the proposed measure constitutes more than six pages said measure shall be printed in pamphlet form, securely stapled, without cover. No proposed measure, hereafter, to be submitted to the people of the State, as provided for in this section shall be bound. The quality of the paper to be used for the proposed measure shall be left to discretion of the State Purchasing Agent. The number of said proposed measures to be printed shall be five per cent (5%) more than the number of registered voters, as shown by the registration lists of the several counties of the State at the last preceding general election.

Copies of
pamphlets to
electors.

The Secretary of State shall distribute to each County Clerk before the second Monday in the third month next preceding such regular general election, a sufficient number of said pamphlet to furnish one copy to every voter in his county. And each County Clerk shall be required to mail to each registered voter in each of the several counties in the State at least one copy of the same within thirty (30) days from the date of his receipt of the same from the Secretary of State. The mailing of said pamphlets to electors shall be a part of the official duty of the County Clerk of each of the several counties, and his official compensation shall be full compensation for this additional service."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1927.

CHAPTER 138.

An Act to Amend Section 1024 Revised Codes of 1921 Relating to the Manner of Creating New School Districts; Providing the Number of Census Children and the Assessed Valuation of the District and the Number of Census Children and the Assessed Valuation of Property Remaining in the Old District and Repealing Section 1025 Revised Codes of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1024 Revised Codes of 1921 be, and the same is hereby amended to read as follows:

“Section 1024. A new school district may be created out of portions of one or more existing school districts where the assessed valuation of property remaining in each district from which territory is taken is not reduced below Seventy-five Thousand Dollars (\$75,000.00) and where the number of census children between the ages of six and sixteen years is not reduced below ten. For the purpose of organizing a new school district out of one or more existing districts, a petition in writing shall be made to the county superintendent of schools signed by parents or guardians of at least ten census children between the ages of six and sixteen years, residing within the boundaries of the proposed new district, and residing at a greater distance than two miles from any schoolhouse owned by any one of such school districts in which a school is maintained. The petition shall describe the boundaries of the proposed new district and give the names of all children of school age residing therein at the date of the presenting of said petition. The petition shall also show the assessed valuation of the property within the proposed new district which must not be less than Forty Thousand Dollars (\$40,000.00) as shown by the last completed assessment roll. The county superintendent shall within five days from the receipt of such petition give notice of the hearing of said petition by posting or causing to be posted, a notice thereof at least ten days prior to the time appointed by him for consideration of said petition, in at least three of the most public places in the proposed new district and one on each schoolhouse door of each district affected by the proposed change, or if there be no schoolhouse, then in one of the most public places in each of said old districts;

New school district.

Petition.

What petition must show.

Notice of hearing.

Protests.

Order.

Appeal.

Notice of
hearing on
appeal.

and shall on the day fixed in the notice proceed to hear said petition at the place designated in said notice, which must be either at the court house of the county or else at the schoolhouse in one of the school districts affected, unless a protest in writing signed by at least a majority of the school electors residing within such proposed school district shall be filed with the County Superintendent of Schools before or at the time fixed in the notice for the hearing of said petition, in which event the proposed school district shall not be created. If no such protest be filed, then the county superintendent, upon hearing the petition, shall within ten days from the date of such hearing, make an order establishing the new district and describe the boundaries thereof, or make an order denying such petition. An appeal may be taken to the Board of County Commissioners of the county, from either order made as aforesaid by three resident taxpayers of either the old or the new district who are dissatisfied with said order. Such appeal shall be taken within thirty days of the date of the order and upon the hearing of said matter by the Board of County Commissioners, a decision shall be rendered which shall be final. The appeals mentioned in this section shall be in writing, subscribed by the parties taking the appeal and shall recite sufficient facts to show their rights to appeal hereunder and that it is an appeal from the decision rendered, and such an appeal shall be filed with the County Superintendent within thirty days from the date of the order establishing such new district or denying such petition. The County Superintendent shall, within twenty days from the filing of such notice of appeal, transmit to the Board of County Commissioners and file in the office of the County Clerk, the notice of appeal and all petitions, plats and papers in his possession pertaining to the petition for the creation of such new school district. The County Clerk shall, forthwith, upon receipt of such notice of appeal and other papers, give notice to all parties interested by causing to be posted at least ten days prior to the date of the next regular meeting of the Board of County Commissioners, in at least three of the most public places in the proposed new district, and one on each schoolhouse door of each district affected by the proposed change, or if there be no schoolhouse then in one of the most public places in each of said old districts, notices to the effect that the Board of County Commissioners will at its office in the courthouse upon a certain

date, specifying the same in such notices, which date shall be during the next regular session of the Board, finally hear and determine said appeal and said petition for the creation of such new district."

Section 2. Section 1025 Revised Codes of 1921 is hereby repealed.

Approved March 9, 1927.

CHAPTER 139.

An Act to Amend Sections 2089 and 2090 of the Revised Codes of Montana of 1921 Relating to the Statement of Gross Yield of Mines and Net Proceeds; How Computed; As Amended by Chapter 191 Acts of the Nineteenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2089 of the Revised Codes of Montana, 1921, as amended by Chapter 191 Acts of the Nineteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

"**Section 2089. Statement Gross Yield of Mines.** Every person, corporation or association engaged in mining upon any quartz vein of lode, or placer mining claim or mining from or upon any mine whatsoever containing gold, silver, copper, coal, lead, petroleum or other valuable mineral or minerals deposit must on or before the thirty-first day of March in each year make out a statement of the gross yield of the above named metals or minerals from each mine owned or worked by such person, corporation or association during the year preceding the first day of January, and the value thereof. Such statement shall be in the form prescribed by the State Board of Equalization and must be verified by the oath of such person or the manager, superintendent, agent, president or vice president of such corporation, association or partnership and must be delivered to the State Board of Equalization on or before the thirty-first day of March. Such statement shall show the following:

Statement of
gross yields
of mines.

Verification.

1. The name and address of the owner or lessee of the mine, together with the names and addresses of any and all persons, corporations or associations owning or claim-

Contents of
statement to be
delivered to
State Board of
Equalization.

ing any royalty interest in the mineral product of such mine or the proceeds derived from the sale thereof, together with the amount of such interest so owned or claimed on the first Monday of March of the year in which said statement is made, and the amount or amounts paid or yielded as royalty upon such royalty interest or interests during the period covered by the statement.

2. The description and location of the mine.

3. The number of tons of ore, barrels of petroleum or other mineral products or deposits extracted and treated or sold from the mine during the period covered by the statement.

4. The amount and character of such ores, mineral products or deposits, and the yield of such ores, mineral products or deposits from such mine in constituents of commercial value; that is to say, the number of ounces of gold, or silver, pounds of copper or lead, tons of coal, barrels of petroleum or other crude or mineral oil, or other commercially valuable constituents of said ores or mineral products or deposits measured by standard units of measurement, yielded to such person, corporation or association so engaged in mining, and to said royalty holders and each of them, if any, during the period covered by the statement.

5. The gross yield or value in dollars and cents.

6. Actual cost of extracting same from mine.

7. Actual cost of transporting to place of reduction or sale.

8. Actual cost of reduction or sale.

9. Actual cost of marketing the product and conversion of same into money.

10. Cost of construction, repairs and betterments of mines, and cost of repairs and replacements of reduction works.

11. The assessed valuation of reduction works for the calendar year for which such return is made.

Immediately upon receipt of the list or schedule setting forth the names and addresses of any and all persons, corporations and associations owning or claiming royalty and the amount of such interest or interests and

the amount or amounts paid or yielded as royalty to such royalty owners or claimants during the year for which such return is made, the State Board of Equalization shall certify such list or schedule to the County Clerk of each county in which such mines and mining claims are located, and thereupon such royalty shall be assessed and taxed in the manner provided by law."

Equalization
board to
certify schedule
to county
clerk.

Section 2. That Section 2090 of the Revised Codes of Montana of 1921, as amended by Chapter 191, Acts of the Nineteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

"Section 2090. Net Proceeds—How Computed. The State Board of Equalization shall thereupon calculate and compute from said returns the gross product yielded from such mine, and its gross value in dollars and cents for the year preceding the first day of January, and also shall calculate and compute the net proceeds in dollars and cents of said mine yielded to such person, corporation or association so engaged in mining, which said net proceeds shall be ascertained and determined by subtracting from the value in dollars and cents of the gross product thereof the following, to-wit:

Net proceeds.

How computed.

1. All royalty paid or apportioned in cash or in kind by the person, corporation or association so engaged in mining.

2. All moneys expended for necessary labor, machinery and supplies needed and used in the mining operations and developments.

3. All moneys expended for improvement, repairs and betterments necessary in and about the working of the mine.

4. All moneys expended for costs of repairs and replacements of the milling and reduction works used in connection with the mine.

5. Depreciation in the sum of six per cent (6%) of the assessed valuation of such milling and reduction works for the calendar year for which such return is made.

6. All moneys expended for transporting the ores, and mineral products or deposits from the mines to the mill or reduction works or to the place of sale, and for ex-

tracting the metals and minerals therefrom, and for marketing the product and the conversion of the same into money.

Moneys
invested.

No moneys invested in the mines and improvements during any year, except the year for which such statement is made, shall be included in such expenditures; and such expenditures shall not include the salaries, or any portion thereof, of any person or officer not actually engaged in the working of the mine or superintending the management thereof.

False or
fraudulent
statements.

Provided, further, that if any such report contains any wilfully false or fraudulent statements as to the gross amount received by any person, corporation or association so engaged in mining as aforesaid, for any mine's product, then the said State Board of Equalization shall compute the gross value of such mine's product, and such gross value shall be based upon the average quotations of the price of such mine's product in New York City, or the relative market value at the point of delivery, as evidenced by some established authority or market report, such as the Engineering and Mining Journal-Press, of New York City, or some other standard publication, giving the market reports for the year covered by the statement; and, provided, further that if any such person, corporation, or association has sold or otherwise disposed of any of its mine's product at a price substantially below the true market price of such product at the time and place of such sale or disposal, then the State Board of Equalization shall compute the gross value of such portion of said mine's product, so sold or disposed of substantially below the market price as aforesaid, which gross value shall be based upon the quotations of the price of such mine's product in New York City, or the relative market value at the point of delivery at the time such portion of the product was so sold or otherwise disposed of, as evidenced by some established authority or market report, such as the Engineering and Mining Journal-Press, of New York City, or some other standard publication, giving the market reports for the year covered by such statement. Should there be no quotation covering any particular product, then the State Board of Equalization shall fix the value of such gross product, or such portion thereof as shall have been sold or otherwise disposed of at a price substantially below the true market price at the time and place of such sale or disposal in such a manner as may seem to be equitable."

How computed
by board.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect on and after January first, 1927.

Approved March 9, 1927.

CHAPTER 140.

An Act providing for the Assessment and Taxation of Royalty and Royalty Interest in the Mineral Product of Any Quartz Vein or Lode or Placer Mining Claim or Any Mine Whatsoever Containing Gold, Silver, Copper, Lead, Petroleum or Other Valuable Minerals or Mineral Deposits.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, corporation or association engaged in mining upon any quartz vein or lode or placer mining claim or mining from or upon any mine whatsoever containing gold, silver, copper, coal, lead, petroleum or other valuable minerals or mineral deposits, shall, on or before the thirty-first day of March of each year, make and deliver to the State Board of Equalization a full, true and complete verified statement, setting forth the name and address of the owner or lessee of the mine, together with the names and addresses of any and all persons, corporations or associations owning or claiming any royalty interest in the mineral product of such mine, or the proceeds derived from the sale thereof, together with the amount of such interest so owned or claimed on the first Monday of March of the year in which such statement is made and the amount or amounts paid or yielded as royalty upon such royalty interest or interests during the preceding calendar year.

Statement of owners or those interested in property.

Section 2: Upon receipt of such statement the State Board of Equalization shall proceed to the assessment of all such royalty interests and shall assess the same at the full cash value thereof, which shall be the full cash value of the money or product yielded as royalty during the preceding calendar year, which royalty interests shall be taxed on the same basis as net proceeds of mines are taxed as provided by Section 1999 of the Revised Codes of Montana of 1921. The State Board of Equalization

Board of Equalization to assess.

Royalty interests.

shall certify such list or schedule, together with the said assessments to the County Clerk of the County in which such mines and mining claims are located, and such County Clerk shall thereupon, for convenience, enter such assessment on the personal property assessment list under the name of the operator of such mine or mines, but in the assessment list the names of the owners of such royalty shall be set forth and such assessment when entered shall have all the force and effect as if made in the names of the owners of such royalty individually. Immediately upon the spreading of such assessment the County Clerk shall deliver to such operator a full and complete list showing all assessments against such royalty owners and each thereof. The operator and the royalty holder shall be jointly and severally liable for the payment of the taxes assessed against such royalty and such taxes shall be payable by, and may be collected from such operator in the same manner and under the same penalties as provided for the collection of taxes upon net proceeds of mines and such assessment shall also be and constitute a lien upon such royalty and royalty interests. Provided, however, that such operator may recover or withhold, from any proceeds of such royalty or royalty interest, either in kind or money, coming into his hands the amount of any tax paid by him upon such royalty or royalty interest.

List delivered
to operator.

Who liable
for taxes.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect on and after January first, 1927.

Approved March 9, 1927.

CHAPTER 141.

An Act to Amend Sections 3 and 13 of Chapter 65 of the Session Laws of the Eighteenth Legislative Assembly of 1923, and Section 15 of Chapter 65 of the Session Laws of the Eighteenth Legislative Assembly of 1923, As Amended by Chapter 150 of the Session Laws of the Nineteenth Legislative Assembly of 1925, Relating to Tax on Direct and Collateral Inheritances, Requests and Devises; Relating to the Appointment of Special Appraisers; and Providing for An Estate Tax on Estates Having a Net or Clear Market Value in Excess of One Million Dollars.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 65 of the Session Laws of the Eighteenth Legislative Assembly of 1923, be, and the same is hereby amended to read as follows:

“Section 3. Other Rates; Where in Excess of \$25,000. The foregoing rates in Section 2 are for convenience termed the primary rates:

When the amount of the clear value of such property or interests exceeds Twenty-five Thousand Dollars (\$25,000.00), the rates of tax upon such excess shall be as follows:

(1) **Rate Where Amount \$25,000.00 to \$50,000.00.** Upon all in excess of Twenty-five Thousand Dollars (\$25,000.00) and up to Fifty Thousand Dollars (\$50,000.00), two (2) times the primary rates.

When in excess of \$25,000.

\$25,000 to \$50,000.

(2) **Rate Where Amount \$50,000.00 to \$100,000.00.** Upon all in excess of Fifty Thousand Dollars (\$50,000.00) and up to One Hundred Thousand Dollars (\$100,000.00), three (3) times the primary rates.

\$50,000 to \$100,000.

(3) **Rate Where Amount Over \$100,000.00.** Upon all in excess of One Hundred Thousand Dollars (\$100,000.00), four (4) times the primary rates.

over \$100,000.

(4) When the net value of the estate of decedent subject to tax under the laws of this State exceeds the sum of One Million Dollars (\$1,000,000.00) the tax, in addition to that imposed by the foregoing subdivisions of this section, shall be an amount equal to the sum of the following percentages of the value of the net estate, regardless of the relationship of the beneficiaries to the de-

Exceeds \$1,000,000.

cedent and regardless of the value of the estate passing to each beneficiary:

To
\$1,500,000.

(a) Six and two-fifths per cent (6 2-5%) of the amount by which the net estate exceeds One Million Dollars (\$1,000,000.00) but does not exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00);

To
\$2,000,000.

(b) Seven and one-fifth per cent (7 1-5%) of the amount by which the net estate exceeds One Million Five Hundred Thousand Dollars (\$1,500,000.00) and does not exceed Two Million Dollars (\$2,000,000.00);

To
\$2,500,000.

(c) Eight per cent (8%) of the amount by which the net estate exceeds Two Million Dollars (\$2,000,000.00) and does not exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00);

To
\$3,000,000.

(d) Eight and four-fifths per cent (8 4-5%) of the amount by which the net estate exceeds Two Million Five Hundred Thousand Dollars (\$2,500,000.00) and does not exceed Three Million Dollars (\$3,000,000.00);

To
\$3,500,000.

(e) Nine and three-fifths per cent (9 3-5%) of the amount by which the net estate exceeds Three Million Dollars (\$3,000,000.00) and does not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00);

To
\$4,000,000.

(f) Ten and two-fifths per cent (10 2-5%) of the amount by which the net estate exceeds Three Million Five Hundred Thousand Dollars (\$3,500,000.00) and does not exceed Four Million Dollars (\$4,000,000.00);

To
\$5,000,000.

(g) Eleven and one-fifth per cent (11 1-5%) of the amount by which the net estate exceeds Four Million Dollars (\$4,000,000.00) and does not exceed Five Million Dollars (\$5,000,000.00);

To
\$6,000,000.

(h) Twelve per cent (12%) of the amount by which the net estate exceeds Five Million Dollars (\$5,000,000.00) and does not exceed Six Million Dollars (\$6,000,000.00);

To
\$7,000,000.

(i) Twelve and four-fifths per cent (12 4-5%) of the amount by which the net estate exceeds Six Million Dollars (\$6,000,000.00) and does not exceed Seven Million Dollars (\$7,000,000.00);

To
\$8,000,000.

(j) Thirteen and three-fifths per cent (13 3-5%) of the amount by which the net estate exceeds Seven Million Dollars (\$7,000,000.00) and does not exceed Eight Million Dollars (\$8,000,000.00);

(k) Fourteen and two-fifths per cent (14 2-5%) of the amount by which the net estate exceeds Eight Million Dollars (\$8,000,000.00) and does not exceed Nine Million Dollars (\$9,000,000.00);

To
\$9,000,000.

(l) Fifteen and one-fifth per cent (15 1-5%) of the amount by which the net estate exceeds Nine Million Dollars (\$9,000,000.00) and does not exceed Ten Million Dollars (\$10,000,000.00);

To
\$10,000,000.

(m) Sixteen per cent (16%) of the amount by which the net estate exceeds Ten Million Dollars (\$10,000,000.00).

Excess of
\$10,000,000.

The tax imposed by subdivision 4 of this Section shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any state or territory of the United States, or the District of Columbia, including any and all taxes imposed under and by virtue of the first three subdivisions of this section, and including any and all taxes imposed by other statutory provisions imposing an inheritance tax in this State, in respect of any property included in the gross estate which is subject to an inheritance or estate tax in the State of Montana. In no event shall the tax payable under subdivision 4 of this section exceed the amount, if any, by which the maximum credit allowable to the estate against the United States estate tax, exceeds the credits provided for in the preceding sentence of this section."

Section 2. That Section 13 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, be, and the same is hereby amended to read as follows:

"Section 13. Special Appraiser. The district court, upon the application of any interested party, including the State Board of Equalization, shall appoint a competent person as special appraiser to fix the fair market value at the time of the transfer thereof of the property of persons whose estate shall be subject to the payment of any tax imposed by this Act."

Special
appraiser.

Section 3. That Section 15 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, as amended by Chapter 150 of the Nineteenth Legislative Assembly of 1925, be, and the same is hereby amended to read as follows:

Hearing by the
court.

“Section 15. (1) Hearing by the Court. The report of the special appraiser shall be made in triplicate, and not less than ten (10) days before the hearing thereon one of said triplicates shall be filed in the office of the District Court, one to the administrator or the executor, and the other shall be mailed to the State Board of Equalization. At the time and place of hearing the administration account the District Court shall examine such report, and from the report and other proofs relating to any such estate shall forthwith determine the cash value of such estate and the amount of tax to which the same is liable; or, the District Court without appointing such appraiser may at the time so fixed hear the evidence and determine the cash value of such estate and the amount of tax to which the same is liable.

Notice of
hearing.

(2) Notice of Hearing. Notice of such hearing to determine the inheritance tax shall be given in the same manner and may be included in the notice of hearing the administration account as provided by law. Notice in writing of such hearing shall be mailed to the State Board of Equalization not less than ten (10) days before such hearing upon such blanks and containing such information as the State Board of Equalization may provide.

Future estates
how valued.

(3) Commissioner of Insurance to Value Future Estates, Etc. The Commissioner of Insurance shall, on application of any District Court or of the State Board of Equalization, determine the value of any such future or contingent estates, income, or interests therein limited, contingent, dependent, or determinable upon the life or lives of the person or persons in being, upon the facts contained in the District Court's finding and determination and contained in such special appraiser's report, and upon the facts certify the same to the District Court or to the State Board of Equalization, and his certificate shall be presumptive evidence that the method of computation adopted therein is correct.

How appraised.

(4) Appraisal at Clear Market Value; Annuities, How Computed. Whenever a transfer of property is made upon which there is, or in any contingency there may be, a tax imposed, such property shall be appraised at its clear market value immediately upon the transfer or as soon thereafter as practicable. The value of every future or limited estate, income, interest, or annuity dependent upon any life or lives in being, shall be deter-

mined by the rule, method, and standard of mortality and value employed by the Commissioner of Insurance in ascertaining the value of policies of life insurance and annuities for the determination of liabilities of life insurance companies, except that the rate of interest for making such computation shall be five per cent (5%) per annum. The tax so determined shall be construed to be upon the transfer of a proportion of the principal or corpus of the estate equal to the present value of such future or limited estate, income, interest or annuity, and not upon any earnings or income of said property produced after death. Such tax shall be due and payable forthwith, except as otherwise provided in this Act.

Annuities.

How computed.

(5) **Contingent Encumbrances.** In estimating the value of any estate or interest in property to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made in respect of any contingent encumbrance thereon, nor in respect of any contingency upon the happening of which the estate or property or some part thereof, or interest therein, might be abridged, defeated or diminished; provided, however, that in the event of such encumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgment, defeat, or diminution of such estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax in respect of the amount or value of the encumbrance when taking effect or so much as will reduce the same to the amount which would have been assessed in respect to the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided in Section 8.

Contingent encumbrances.

(6) **Interest Determinable by Death.** Where any property shall, after the passage of this Act, be transferred subject to any charge, estate or interest determinable by the death of any person, or at any period ascertainable only by reference to death, the increase of benefit accruing to any person or corporation upon the extinction or determination of such charge, estate or interest shall be deemed a transfer of property taxable under the provisions of this Act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase of benefit from the person from whom the title to their respective estate or interest is derived.

Interest determinable by death.

When tax
payable.

(7) Tax Payable Forthwith on Contingent Estate.

When property is transferred in trust or otherwise, and the rights, interests, or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon such transfer at the lowest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this Act, and such tax so imposed shall be due and payable forthwith out of the property transferred; provided, however, that on the happening of any contingency or condition whereby the said property or any part thereof is transferred to a person or corporation, which under the provisions of this Act is required to pay a tax at a higher rate than the tax imposed, then such transferee shall pay the difference between the tax imposed and the tax at the higher rate, and the amount of such increased tax shall be enforced and collected as provided in this Act.

Expectancy
tax on
undiminished
value.

(8) Postponed Tax on Undiminished Value.

Estates in expectancy which are contingent or defeasible, and in which proceedings for determination of the tax have not been taken, or where the taxation thereof has been held in abeyance, shall be appraised at their full undiminished clear value when the person entitled thereto shall come into the beneficial enjoyment or possession thereof without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation upon which said estates in expectancy may have been limited. Where an estate for life or for years can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting.

Order
determining
tax.

Contents.

(9) Order Determining Tax; Contents; Notice.

Upon the determination by the District Court of the value of any estate which is taxable under the inheritance tax laws, and of the tax to which it is liable, an order shall be entered by the court determining the same, which order shall include a statement of (a) the date of death of the decedent, (b) the gross value of the real and personal property of such estate, stating the principal items thereof, (c) the deductions therefrom allowed by the court, (d) the names and relationship of the persons entitled to receive the same, with the amount received by each, (e) the rates and amounts of inheritance tax for

which each such person is liable, and the total amount of tax to be paid, (f) a statement of the amount of interest or penalty due, if any. Such order shall be substantially in the form prescribed by the State Board of Equalization. A copy of the same shall be delivered or mailed to the County Treasurer, the State Treasurer, the Administrator or Executor, and the State Board of Equalization, and no final judgment shall be entered in such estates until due proof is filed with the court that such copies have been so delivered or mailed, and receipts are filed with such court showing the payment of all such taxes, or proof is filed showing that the bond authorized by Section 8 has been given.

(10) **Rehearing Within Sixty Days.** The Attorney General, State Board of Equalization, Public Administrator, County Attorney, or any person dissatisfied with the appraisalment or assessment and determination of such tax may apply for a rehearing thereof before the District Court within sixty (60) days from the fixing, assessing and determination of the tax by the District Court as herein provided on filing a written notice which shall state the grounds of the application for a rehearing. The rehearing shall be upon the records, proceedings, and proofs had and taken on the hearing as herein provided unless additional or newly discovered evidence be alleged therefor, and a new trial shall not be had or granted unless specially ordered by the District Court.

Rehearing.

When.

(11) **Reappraisalment in the District Court Within One Year.** Within one year after the entry of an order or decree of the District Court determining the value of an estate and assessing the tax thereon, the Attorney General or the State Board of Equalization may, if he (or they) believes that such appraisal, assessment, or determination has been erroneously, fraudulently or collusively made, make application to the District Judge for a reappraisal thereof. The District Court to whom such application is made may thereupon appoint a competent person to reappraise such estate. Such appraiser shall possess the powers, be subject to the duties, shall give the notice and receive the compensation provided by Sections 14 and 15 of this Act. Such compensation shall be payable by the County Treasurer out of any funds he may have on account of any tax imposed under the provisions of this Act, upon the certificate of the District Judge. The report of such appraiser shall be filed in the office of the

Reappraisalment.

Appraiser duties and powers.

Clerk of the District Court, and thereafter the same proceedings shall be taken and had by and before such District Court as herein provided to be taken and had by and before the said Court. The determination and assessment of such District Court shall supersede the former determination and assessment of such court, and shall be filed in the office of the County Treasurer, State Treasurer, and State Board of Equalization."

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 142.

An Act Amending Section 3569, Revised Codes of Montana, 1921, As Amended by Chapter 35, Session Laws of 1923, Fixing the License of Milk or Cream Buying or Collecting Stations; Regulating the Floor Space and Heating Arrangements of Such Stations; Providing Penalties for the Violation of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

License fee
for receiving
stations.

Section 1. Hereafter all milk or cream buying or collecting stations shall pay an annual license fee of Five Dollars (\$5.00) for all stations handling less than fifteen hundred (1,500) pounds of butter fat per month; Ten Dollars (\$10.00) for all stations handling fifteen hundred (1,500) pounds and less than three thousand (3,000) pounds; Fifteen Dollars (\$15.00) per month for all stations handling three thousand (3,000) pounds and less than six thousand (6,000) pounds; Twenty Dollars for all stations handling six thousand (6,000) pounds and over.

Room
regulations.

Section 2. The room in which any milk or cream buying or collection station shall hereafter be operated in this State shall contain floor space large enough for all equipment in said station, including cooling tank of sufficient size to hold all cream bought or collected at such station on each day.

All such stations collecting more than fifteen hundred (1,500) pounds of butter fat per month shall be equipped with a steam boiler large enough to furnish sufficient steam to thoroughly sterilize milk and cream cans. No stove or heating apparatus other than a steam boiler shall be permitted to be used for the purpose of heating water with which to cleanse utensils used in a cream station collecting more than fifteen hundred (1,500) pounds of butter fat per month, providing the provisions of this Section shall not apply to forwarding stations in which no testing for butter fat is made. Equipment.

Section 3. Any person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty Five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) or imprisonment in the county jail for not to exceed six months or by both such fine and imprisonment. Penalty for violation.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect upon and after its passage and approval.

Approved March 9, 1927,

CHAPTER 143.

An Act to Amend Sections 5259, 5260, 5261, 5269 and 5271, Revised Codes of Montana of 1921, and Further Amending Section 5266, Revised Codes of Montana of 1921, As Amended by Chapter 17, Laws of the Eighteenth Legislative Assembly of the State of Montana, All Relating to the Creation of Special Improvement Districts for Lighting Streets in Cities and Towns and Providing a Method for Assessing Said Lighting Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5259 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Special
improvement
districts.

Purpose.

Costs how
portioned.

Assessment of
improvement.

How
apportioned.

“Section 5259. The city or town council of any city or town is authorized to create special improvement districts embracing any street or streets or public highway therein, or portions thereof, and property adjacent thereto, or property which may be declared by said council to be benefitted by the improvement to be made, for the purpose of lighting such street or streets or public highway, and to require not more than three-fourths ($\frac{3}{4}$) and not less than one-fourth ($\frac{1}{4}$) of the cost of installing and maintaining such lighting system to be paid by the owners of the property embraced within the boundaries of such districts, and to assess and collect such portion of such cost by special assessment against said property.”

Section 2. That Section 5260 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 5260. The portion of the entire cost of erecting and maintaining the posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting said streets or public highways and of the annual cost of supplying electrical current for and maintaining the lights thereon in such districts, not less than one-fourth ($\frac{1}{4}$) nor more than three-fourths, ($\frac{3}{4}$) as shall be determined by the city or town council, shall be borne by the property embraced within said district, and the city or town council for the purpose of making the assessment shall adopt one of the two (2) following methods:

“(a) The city council shall assess the entire cost of such improvement against the entire district, each lot or parcel of land within such district to be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places; provided, however, that the city council, in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue or alley intersection out of any funds in its hands, available for that purpose, or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district. In order to apportion the cost of any of the improvements herein provided for between the corner lot and the inside lots of any block, the council may, in the resolution creating any district, provide that whenever any of the improvements herein provided for shall be along any side street, or

bordering or abutting upon the side of any corner lot of any block, that the amount of the assessment against the property in such district, to defray the cost of such improvements, shall be so assessed that each square foot of the land, embraced within any such corner lot, shall bear double the amount of the cost of such improvement that a square foot of any inside lot shall bear."

"(b) The city council shall assess the cost of such improvements against the entire district, each lot or parcel of land within such district bordering or abutting upon the street or streets whereon or wherein the improvement has been made, in proportion to the lineal feet abutting or bordering the same; provided, however, that the city council, in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue or alley intersection, out of any funds in its hands, available for that purpose, or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the districts."

Costs how
assessed.

Section 3. That Section 5261 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"**Section 5261.** Before creating any special improvement lighting district in any such city or town, for the purpose of lighting any street or streets or public highway, or section thereof, in accordance with the provisions of this Act, the city council shall pass a resolution of intention so to do, which resolution shall designate the number of such district, describe the boundaries thereof, and state therein the general character of the improvement or improvements to be made and an approximate estimate of the cost thereof; also an approximate estimate of the cost of maintaining such lights and supplying electrical current therefor for the first (1st) year, and the proportion of such cost to be assessed against the property embraced within the district."

Passing of
resolution and
purpose.

"Upon having passed such resolution, the council must give notice of the passage of such resolution of intention, which notice of the passage of such resolution must be published for five (5) days in a daily newspaper or in some one issue of a weekly newspaper in the city or town, or in case no newspaper be published in such city or town, then by posting for five (5) days in three (3) public places in the city or town, and a copy of such

Notice.

notice shall be mailed to every person, firm or corporation having property within the proposed district, at his last known address, upon the same day such notice is first published or posted. Such notice must describe the general character of the improvement so proposed to be made and state the estimated cost thereof; also the estimated cost of maintaining the lights and supplying the electrical current therefor within such district for the first (1st) year, and designate the time when and the place where the council will hear and pass upon all protests that may be made against the making of such improvement or the creation of such district, and such notice shall refer to the resolution on file in the office of the city clerk for a description of the boundaries."

Notice of
protest.

"At any time within fifteen (15) days after the date of the first publication of the notice of passage of the resolution of intention, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extent or creation of the district to be assessed or both. Such notice must be in writing and be delivered to the said clerk of the city council, who shall endorse thereon the date of its receipt by him."

Hearing on
protest.

"At the next regular meeting of the city council, after the expiration of the time within which said protests may be so made, the city council shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive; provided, however, that when the protest is against the proposed work and the cost thereof is to be assessed upon property embraced within the boundaries of the district, and if the city council finds that such protest is made by the owners of a majority of the property embraced within the district to be assessed for the proposed work, no further proceedings shall be taken for a period of six (6) months from the date when said protest was received by the said city clerk of said city council."

"In determining whether or not sufficient protest has been filed in a proposed district to prevent further proceedings therein, property owned by a county, city or town shall be considered the same as other property in the district. The city council may adjourn said hearing from time to time."

When council
acquires
jurisdiction.

"When no protests have been delivered to the clerk of the city council within fifteen (15) days after the date of

the first publication of the notice of the passage of the resolution of intention, or when a protest shall have been found by the city council to be insufficient or shall have been overruled, or when a protest against the extent of the proposed district shall have been heard and denied, immediately thereupon the city council shall be deemed to have acquired jurisdiction to order the proposed improvements; but before ordering any of said proposed improvements, the city council shall pass a resolution creating the special improvement lighting district in accordance with the resolution of intention theretofore introduced and passed by the city council."

"The city or town council may cause the posts, wires, pipes, conduits, lamps or other suitable and necessary appliances, for the purpose of lighting said streets, to be procured and erected by contract or by the street commissioner, or by any other official of the city or town, in such way and manner as the council shall provide, and after such lighting system has been installed, may, by contract, in such way and manner as the council shall elect, cause the lights to be maintained thereon and electrical current furnished therefor; provided that the posts in any such district shall be of uniform size and character and shall be distributed uniformly upon the street or streets or public highways, or section thereof, to be lighted in any such district."

System how
installed.

Section 4. That Section 5265 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"**Section 5265.** It shall be the duty of the city or town council to ascertain the cost of installing such lighting system, and on or before the first Monday in October pass and finally adopt a resolution levying and assessing all of the property embraced within said district with not less than one-fourth (1-4) nor more than three-fourths (3-4) of the entire cost of installing the same; each lot or parcel of land in said district to be assessed in accordance with the method adopted by the city council as provided in Section 5260 hereof. Any such resolution shall contain a list in which shall be described each lot or parcel of land, and either the total number of square feet of property contained therein or the total number of linear feet abutting the improvement as may be required to determine the total assessment in the district, and the

Council to
ascertain cost
of installation.

List of all
property to be
assessed.

File with
city clerk.

Notice for
publication.

Meeting of
the council.

amount levied against each lot or parcel of land set opposite. Such resolution, signed by the mayor and city clerk, shall be kept on file in the office of the city clerk, and a notice signed by the city clerk, stating that the resolution levying the assessment to defray the portion of the cost of installing and maintaining said lights and supplying electrical current therefor for the first (1st) year, as determined by the city or town council, is on file in his office subject to inspection for a period of five (5) days, shall be published at least once in a newspaper published in the city. Such notice shall state the time and place at which objections to the final adoption of such resolution shall be heard by the city or town council, and the time for such hearing shall not be less than five (5) days after the publication of such notice. At the time so fixed the council shall meet and hear all such objections and for the purpose may adjourn from day to day, and may modify such resolution in whole or in part. A copy of such resolution as finally adopted, certified by the city clerk, must be delivered within two (2) days after its passage to the city treasurer. All moneys derived from the collection of such assessments shall constitute a fund to be known as 'Special Improvement Lighting District No. Fund'."

Section 5. That Section 5269 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Petition for
discontinuance
of district.

"Section 5269. If at any time after the creation of any special improvement lighting district a petition shall be presented to the city or town council, signed by the owners or agents of more than three-fourths (3-4) of the total amount of property embraced within the district, asking that the maintenance and operation of such special lighting system and the furnishing of electrical current therefor, in such district, be discontinued, the city or town council shall thereupon, by resolution, provide for discontinuing the maintenance and operation of the lighting system; provided, however, that if the city or town council shall have, prior to the presentation of such petition, entered into any contract for the maintenance and operation of such lighting system, such maintenance and operation shall not be discontinued until after the expiration of the contract."

Section 6. That Section 5271 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 5271. Whenever any lot, piece or parcel of land belonging to the United States, or mandatory of the government, shall be included within the boundaries of the proposed special improvement lighting district declared by the city or town council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said council shall, in the resolution of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement and the cost of said work or improvement which would have been assessed against said lots shall be paid by the city from its general fund.”

Public lands
omitted.

Section 7. That Section 5266 of the Revised Codes of Montana of 1921, as amended by Chapter 17, Laws of the Eighteenth Legislative Assembly of the State of Montana, be, and the same is hereby further amended to read as follows:

“Section 5266. The lights in each district shall be maintained by contract for such period of time and in such way or manner as the city or town council shall elect; provided, however, that the city or town council shall not let a contract for a period to exceed three (3) years. It shall be the duty of the city or town council to estimate, as nearly as practicable, the cost of maintaining such lights and furnishing electrical current therefor each year, and the portion thereof to be assessed against the property embraced within the district, and before the first Monday in October pass and finally adopt a resolution levying and assessing said property within said district with an amount equal to the proportion of the cost of such maintenance and electrical current so determined to be specially assessed against said property. Said resolution levying and assessing said portion of the cost of maintenance, and for furnishing electrical current therefor, shall be prepared and certified to in the same manner as the resolution provided for in the preceding section, and the same notice and hearing shall be given thereon, and shall be adopted and certified, and the assessment collected, in the same manner, as nearly as may be, as in the case of the resolution provided for in the preced-

Maintained
by contract.

Term.

Certification
of resolution.

ing section. All moneys derived from the collection of the assessment provided for in such resolution shall be paid into a fund known as 'Special Improvement Lighting District No. Maintenance Fund' and the number of which shall correspond with the number of the lighting district, for the maintenance of and the supplying of electrical current for which the tax is levied, and such fund shall be used to defray the expense of maintaining and furnishing electrical current for the lights in said district, and for no other purpose. Provided, however, that the city or town council shall have the power not more than once in a year to change by resolution the boundaries and number of any maintenance district. Any special assessment levied and made for any purpose aforesaid, together with all costs and penalties, shall constitute a lien upon and against the property upon which assessment is made and levied, from and after the date of the final passage and adoption of the resolution levying the same; which lien can only be extinguished by payment of such assessment, with all penalties, costs and interest."

Name of fund.

Changes in
boundaries and
number.Special
assessment a
lien.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1927.

CHAPTER 144.

An Act to Authorize County Commissioners to Invest Moneys Under the Control of the County in County Warrants and Prescribing the Duties of the County Commissioners, County Clerk and County Treasurer in Connection Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever the county has under its control any moneys in any special fund subject to deposit which in the judgment of the Board of County Commissioners it would be advantageous to invest in county warrants, the County Commissioners are authorized in their discretion to direct the County Treasurer to purchase county warrants of the same county, thereafter issued against funds in which there is not sufficient money to pay such county warrants at the time of issuance, and in case of

Commissioners
authorized to
invest in county
warrants.

such purchase the County Commissioners shall designate the fund or funds, to be so invested, and shall fix the amount thereof, and shall also designate the county warrant or warrants which are to be purchased by such funds. The County Clerk and Recorder shall thereupon cause to be attached to, or stamped, written or printed upon the warrants so ordered to be purchased a notice to the effect that the county will exercise its preference right to purchase such warrant. The County Treasurer shall thereafter when such county warrant is presented to him, purchase the same out of the proper fund as designated by the Board of County Commissioners, and the warrant so purchased shall be registered as other county warrants, and bear interest as provided by law. When the designated amounts have been invested the County Treasurer shall notify the County Clerk and Recorder.

Stamp of
clerk for
preference.

County
treasurer to
purchase.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 9, 1927.

CHAPTER 145.

An Act to Amend Section 9947 Revised Codes of Montana of 1921, So As to Allow An Appeal by Either Party in Condemnation Proceedings.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9947 Revised Codes of 1921 be, and the same is hereby amended to read as follows:

“**Section 9947.** An appeal from any assessment made by the Commissioners may be taken and prosecuted in the Court where the report of said commissioners is filed by any party interested. Such appeal must be taken within the period of thirty (30) days after the service upon appellant of the notice of the filing of the award by the service of notice of such appeal upon the opposing party or his attorney in such proceedings, and the same shall be brought on for trial upon the same notice and in the same manner as other civil actions, and unless a jury shall be waived by the consent of all parties to such ap-

An appeal
from
assessment.

When taken.

Trial by jury.

peal, the same shall be tried by jury, and the damages to which appellant may be entitled, by reason of the appropriation of his property, shall be re-assessed upon the same principle as hereinbefore prescribed for the assessment of such damages by commissioners; upon any verdict or assessment by commissioners becoming final, judgment shall be entered declaring that upon judgment of such verdict or assessment, together with the interests and costs allowed by law, if any, the right to construct and maintain such railroad or other public work or improvement, and to take, use and appropriate the property described in such verdict or assessment, for the use and purposes for which said land has been condemned, shall, as against the parties interested in such verdict or assessment, be and remain in the plaintiff and his or its heirs, successors or assigns forever. In case the party appealing from the award of the commissioners in any proceeding, as aforesaid, shall not succeed in changing to his advantage the amount of damages finally awarded in such proceeding, he shall not recover the costs of such appeal, but all the costs of the appellee upon such appeal shall be taxed against and recovered from the appellant; provided, that upon the trial of such appeal, the plaintiff may contest the right of any party or parties thereto to any of the property mentioned and set forth or involved in said appeal, which was located after the preliminary survey of any such railroad, seeking to condemn its right of way under and pursuant to the provisions of this Act; provided, such condemnation proceedings are begun within one year after such preliminary survey.

In case
appellant fails,
who pays costs.

Approved March 9, 1927.

CHAPTER 146.

An Act to Provide for the Support of the Government of the State of Montana for the Years 1927 and 1928.

Be it enacted by the Legislative Assembly of the State of Montana:

Advalorem
tax for 1927.

Section 1. There is hereby levied for State purposes upon all of the property in the State of Montana subject to taxation for the year 1927 an advalorem tax of three and one-half (3½) mills on each dollar of the taxable valuation of such property, as ascertained by taking the

percentage of the true and full value provided by law for the purpose of taxation.

Section 2. There is hereby levied for State purposes upon all of the property in the State subject to taxation for the year 1928 an advalorem tax of three and one-half ($3\frac{1}{2}$) mills on each dollar of the taxable valuation of such property, as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation.

Advalorem
tax for 1928.

Section 3. There is hereby levied upon all property in the State of Montana subject to taxation for the year 1927 ten-twelfths (10-12) of a mill on each dollar of taxable valuation of such property, as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation, for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana, pursuant to the provisions of a law initiated and approved by the people of the State of Montana, at the General Election held in November, 1920, and entitled: "A Bill to enact by the Initiative a law to authorize the State of Montana to become indebted in the sum of Five Million Dollars (\$5,000,000) in excess of the Constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, for the construction, repair, and equipment of necessary buildings at the several educational institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal College at Dillon comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena; providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and the interest accruing thereon." (Section 5606 to 5614, both inclusive, of the Revised Codes of Montana, 1921).

Tax to
pay interest
and for sinking
fund for
redemption of
bonds for 1927.

Pursuant to
approval of
bill to enact
by initiative to
authorize
\$5,000,000 in-
debtedness for
repair and
construction
of school
buildings.

Levy for 1928
for interest
and sinking
fund for re-
demption of
bonds pursuant
to approval of
bill authorizing
improvements
and construc-
tion of school
buildings.

Section 4. There is hereby levied upon all property in the State of Montana subject to taxation for the year 1928 ten-twelfths (10-12) of a mill on each dollar of the taxable valuation of such property, as ascertained and determined by taking the percentage of the full and true value provided by law for the purpose of taxation, for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana, pursuant to the provisions of a law initiated and approved by the people of the State of Montana at the general election held in November, 1920, and entitled: "A Bill to enact by the Initiative a law to authorize the State of Montana to become indebted in the sum of Five Million Dollars (\$5,000,000) in excess of the Constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, for the construction, repair, and equipment of necessary buildings at the several educational institutions of the State of Montana now under control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal College at Dillon comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana State School for the Deaf and Blind at Boulder, and Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena; providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and the interest accruing thereon." (Section 5606 to 5614, both inclusive, of the Revised Codes of Montana, 1921.)

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 147.

An Act Relating to School District Bonds; Granting Boards of Trustees of School Districts of All Classes the Power to Issue, Negotiate and Sell or Exchange Bonds for Certain Purposes Under Certain Limitations and Restrictions; Providing the Manner of Holding Bond Elections and Prescribing the Qualifications of Electors; Prescribing the Procedure Covering the Issuing, Sale, or Exchange of Such Bonds; Providing for Payment of the Principal and Interest of Such Bonds; Prescribing the Duties of Boards of School Trustees, Boards of County Commissioners, and County Treasurers in Connection With the Levying and Collection of Taxes for the Payment of Principal and Interest on Such Bonds; and Repealing Sections 1032, 1230, 1232, and Sections 1244 to 1251 Inclusive, of the Revised Codes of Montana of 1921; Repealing Sections 1224, 1225, 1226, 1228 and 1229 of the Revised Codes of Montana of 1921, as Amended by Chapter 153 of the Laws of the Eighteenth Legislative Assembly; Repealing the said Chapter 153, and All Other Acts and Parts of Acts in Conflict With the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Boards of Trustees of School Districts May Issue Coupon Bonds For Certain Purposes.** The Board of Trustees of any school district within this State is hereby vested with the power and authority to issue and negotiate coupon bonds on the credit of the school district for any one or more of the following purposes:

For what purposes trustees of school districts may issue coupon bonds.

(a). For the purpose of building, enlarging, altering, repairing, or acquiring by purchase one or more school houses in said district; furnishing and equipping the same, and purchasing the necessary lands therefor.

Construction acquiring property.

(b). For the purpose of constructing or acquiring by purchasing one or more teacherages in said district, furnishing and equipping the same, and purchasing the necessary lands therefor.

Teacherages.

(c). For the purpose of constructing or acquiring by purchasing one or more dormitories in said district, furnishing and equipping the same, and purchasing the necessary lands therefor.

Dormitories.

Gymnasiums.

(d). For the purpose of constructing or acquiring by purchasing one or more gymnasiums in said district, furnishing and equipping the same, and purchasing the necessary lands therefor.

Water supply.

(e). For the purpose of securing a water supply for the use of one or more of the schools of the district.

Indebtedness.

(f). For the purpose of providing the necessary funds to pay the indebtedness duly apportioned to the school district upon its creation from territory formerly belonging to another district or districts, and represented by outstanding warrants or otherwise, or upon its separation from another district or districts, or upon the rearrangement of the boundary line or lines between such district and another district or districts.

Redeeming bonds.

(g). For the purpose of providing the necessary funds to pay and redeem optional or redeemable bonds when it is deemed to be for the best interests of the school district to issue refunding bonds, or for the purpose of providing the necessary funds to pay and redeem matured or maturing bonds when there are not sufficient funds available for the payment and redemption thereof.

Limitations on amount of bond issue.

Section 2. Limitations on Amount of Issue. The maximum amount for which any school district shall be allowed to become indebted by the issuance of bonds, or otherwise, including all indebtedness represented by outstanding warrants and outstanding bonds of previous issues, or unpaid balances thereon, is hereby fixed at three per centum (3%) of the value of the taxable property therein to be ascertained by the last completed assessment for state, county and school taxes previous to the incurring of such indebtedness. The words "value of the taxable property therein" as used herein shall be given the same meaning and construction and are used in the same sense as in Section Six of Article Thirteen of the State Constitution. All bonds issued in excess of such amount shall be null and void.

Application of interest and sinking funds.

Whenever bonds are issued for the purpose of paying the redeeming bonds previously issued, or any unpaid balance thereon, all sinking and interest funds applicable toward the payment of such bonds shall be applied to such purpose and the refunding bond issue shall be decreased accordingly.

Section 3. **What Forms of Bonds May Be Issued.** All bonds hereafter issued by any school district in this State shall be amortization bonds, if bonds in this form can be sold and disposed of at a reasonable rate of interest. If amortization bonds cannot be sold and disposed of at a reasonable rate of interest advantageous to the people for whose benefit the same are issued, then in such case serial bonds may be issued in place of amortization bonds.

What forms of bonds may be issued.

The term "amortization bonds", as used in this Act, is hereby defined as meaning that form of bonds on which a part of the principal is required to be paid each time interest becomes due and payable, which part payment on the principal increases at each succeeding installment in the same amount that the interest payment decreases, so that the combined amount due on principal and interest on each succeeding due date remains the same until the bonds are fully paid; provided, however, that the final payment may vary in amount from the other payments to the extent resulting from disregarding fractional cents in the other payments.

Amortization bonds.

The term "serial bonds", as used in this Act, is hereby defined as being a bond issue payable in equal annual installments, one installment, consisting of one or more bonds, becoming due and payable each year, the amount to be paid and redeemed each year being determined by dividing the total amount of the bonds to be issued by the total number of years the issue is to run; provided, however, that the installment becoming due and payable the last year may vary in amount from the others to the extent resulting from fixing the amount of each bond of the other installments at the nearest practical multiples of Ten Dollars (\$10.00).

Serial bonds.

Section 4. **Term of Issue, Redemption and Interest.** No school district bonds shall be issued for a longer period than twenty (20) years, and shall be redeemable five (5) years from date of issuance, and on any interest due date thereafter, and such redemption right must be stated on the face of each bond; providing that bonds issued to refund or redeem any outstanding bonds shall not be issued for any period in excess of ten (10) years. The interest shall not exceed six per centum (6%) per annum, and shall be payable semi-annually.

Term of issue.

Redemption.

Interest.

Section 5. **Dates of Issue and Payments.** In order that the dates of payment of installments on school district bond issues may coincide as nearly as possible with the

Dates of issue and payments.

heaviest tax collections, all school district bonds shall preferably bear the date of some day in June or December, and for this reason the bonds may be dated back from the time of the actual sale thereof not exceeding five (5) months, but no interest shall be charged on these bonds before they have been delivered to the purchaser and payment made therefor; interest accrued on bonds according to their terms at the time of delivery shall either be refunded by the purchaser or deducted from the first interest payments falling due. The failure to date such bonds in June or December shall not in any way affect their validity.

For what purposes bonds may be issued without holding an election.

Section 6. Certain Bonds May Be Issued Without Holding An Election. Bonds issued for the purpose of providing the necessary funds to pay indebtedness to another district, or districts, and bonds issued for the purpose of providing necessary funds to pay and redeem outstanding bonds which were issued prior to March 1st, 1924, as authorized in subdivisions "f" and "g" of Section One of this Act, may be issued without submitting the question of so doing at an election. In order to issue bonds for such purposes it shall only be necessary for the Board of School Trustees, at a regular or duly called special meeting of the Board, to pass and adopt a resolution setting forth the facts in regard to the indebtedness to be paid or the bonds to be refunded, showing the reasons for issuing new bonds and fixing and determining the details of such new bonds, and then to give notice of the sale of such new bonds in the same manner that notice is required to be given of the sale of bonds authorized at a school election.

Exchanging other form of bonds for amortization bonds.

Section 7. Exchange of Other Forms of Bonds for Amortization Bonds. Subject to the approval of the State Board of Land Commissioners, the Board of Trustees of any school district in this State is hereby vested with the power and authority to issue amortization bonds for the purpose of refunding any outstanding bonds of such school district held by the State of Montana and which were not issued either as amortization or serial bonds, whether such outstanding bonds are due or not, and to exchange the same for such outstanding bonds. Such amortization bonds shall conform in all respects to the definition of amortization bonds as set forth in this Act, and shall bear interest at such rate as may be agreed upon between the Board of School Trustees and the State Board

of Land Commissioners, but such rate of interest shall not be less than the interest rate on the old bonds and shall in no case exceed six per centum (6%) per annum. Such amortization bonds may be issued and exchanged for such outstanding bonds without submitting the question of issuing the same to an election, and it shall not be necessary to publish any notice of sale of such bonds. This section shall not be so construed as to deprive Boards of School Trustees of the right to issue and sell refunding bonds by the ordinary procedure and advertise the sale thereof as provided in this Act.

Section 8. Petition and Election Required for Bond Issues for Other Purposes. School district bonds for any other purpose than those stated in Sections Six and Seven of this Act, shall not be issued unless authorized at a duly called election at which the question of issuing such bonds was submitted to the electors of the school district; and no such election shall be called unless there has been presented to the Board of Trustees a petition asking that such election be held and such question be submitted, signed by not less than twenty per centum (20%) of the qualified registered electors residing within the school district, who are taxpayers upon property therein and whose names appear on the last completed assessment roll for state, county and school district taxes.

All other purposes petition and election necessary.

Section 9. Form, Contents and Proof of Petition. The petition for the calling of an election to vote upon the question of issuing school district bonds shall plainly state the purpose of the proposed bond issue and shall estimate the amount of bonds necessary to be issued for such purpose or purposes. When the bonds sought to be issued are for two or more purposes, the amount to be issued for each single purpose shall be separately estimated in the petition. It may be in the form of one single petition or consist of more than one petition, all being identical in form and fastened together, after being circulated and signed, so as to form one petition before being delivered to the County Clerk as hereinafter provided. The school district clerk or any one or more qualified electors of the school district may circulate the petition or petitions, and the clerk or each elector circulating such petition shall subscribe or attach to each of the petitions, circulated by him, an affidavit to the effect that the signatures are genuine and that the signers knew the contents thereof at the time of signing the same. The completed petition,

Petition contents of

Form.

Affidavit required.

Clerk and recorder to examine and endorse his certificate.

before being presented to the Board of School Trustees, shall be delivered to the County Clerk and Recorder of the county in which the school district is situated, who shall examine the same and shall endorse thereon or attach thereto his certificate, which certificate shall set forth:

(a). The total number of persons who are registered electors and taxpayers upon property within the school district whose names appear on the last completed assessment roll for state, county and school district taxes.

Contents of certificate.

(b). Which and how many of the persons whose names are subscribed to the petition are possessed of all of these qualifications.

(c). Whether such qualified signers constitute more or less than twenty per centum (20%) of such registered electors and taxpayers within the district.

The County Clerk and Recorder shall promptly deliver or transmit such petition, with his certificate endorsed thereon or attached thereto, to the Clerk of the Board of School Trustees of such district.

Meeting of board to consider petition and calling of election.

Section 10. Meeting of Board of Trustees to Consider Petition and Calling of Election. Upon such petition being received by the clerk of the school district, a meeting of the Board of Trustees shall be called to consider the same. The Board of Trustees shall be the judges of the sufficiency of the petition and the findings of such Board shall be conclusive against the school district and in favor of the innocent holder of bonds issued pursuant to the election called and held by reason of the presentation of such petition. If it is found that the petition is in proper form and bears the requisite number of signatures, the Board shall pass and adopt a resolution which shall recite the essential facts in regard to the petition and its presentation, fix the exact amount of bonds proposed to be issued, which may be more or less than the amount estimated in the petition, determine the number of years through which the bonds are to be paid, not to exceed twenty (20) years, fix the date of election, which shall not be less than twenty (20) days, nor more than thirty (30) days after the date of the passage and adoption of such resolution, appoint three electors of the district who are qualified to vote at such election to act as judges of election, and direct the clerk to give notice of such election. The notice of election shall designate some certain

school house in said school district and be in substantially the following form:

“NOTICE OF SCHOOL DISTRICT BOND ELECTION.

Notice Is Hereby Given by the the undersigned clerk of School District No. of County, State of Montana, that pursuant to a certain resolution duly adopted at a meeting of the Board of Trustees of the said school district held on the day of A. D., 19...., an election of the registered qualified electors of School District No. of County, State of Montana, who are taxpayers therein and whose names appear on the last completed assessment roll for state, county and school district taxes prior to the holding of such election, will be held on the day of, A. D., 19...., at for the purpose of voting upon the question of whether or not the Board of School Trustees shall be authorized to issue and sell bonds of said school district in the amount of Dollars, (\$.....), bearing interest at a rate not exceeding six per centum (6%) per annum, payable semi-annually, for the purpose of (Here state purpose)..... The bonds to be issued will be either amortization or serial bonds, and amortization bonds will be the first choice of the Board of Trustees. The bond to be issued, whether amortization or serial bonds, will be payable in installments over a period of (State number) years, and redeemable in full five (5) years from the date of issue.

Form of
notice of
school district
bond election.

The polls will be open from o'clock M. and until o'clock M. of the said day.

Dated and posted this day of A. D., 19....

.....
Clerk of School District No. of
..... County, State of Montana.”

If the bonds proposed to be issued are for more than one purpose, then each purpose shall be separately stated in the notice together with the proposed amount of bonds therefor.

Purpose of
issue.

The school district clerk shall, not less than fifteen (15) days before the day specified for such election, post notice of such election in not less than three (3) public places within the district, and in incorporated cities and towns

Posting of
notices.

at least one (1) notice must be posted at each voting place designated for such election.

First class
districts must
publish.

In school districts of the first class the Board of Trustees must also cause the notice to be published once a week for two (2) successive weeks in some newspaper of general circulation in the district, if one be published therein, in addition to such posting.

Preparation of
ballots.

Section 11. Preparation of Ballots. The school district clerk shall cause ballots to be prepared for all such bond elections, and whenever bonds for more than one purpose are to be voted upon at the same election, separate ballots shall be prepared for each purpose. All such ballots shall be substantially in the following form:

OFFICIAL BALLOT.

SCHOOL DISTRICT BOND ELECTION.

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS—YES" if you wish to vote for the bond issue; if you are opposed to the bond issue make an X or similar mark in the square before the words "BONDS—NO".

Form of
ballot.

Shall the Board of Trusees be authorized to issue and sell bonds of this school district in the amount of Dollars (\$.....) bearing interest at a rate not exceeding six per centum (6%) per annum, payable, semi-annually, during a period not exceeding years, redeemable at any time after five years, for the purpose of.....(Here state the purpose the same way as in the notice of election).....

☐

BONDS—YES.

☐

BONDS—NO.

Who may
vote.

Section 12. Who Entitled to Vote. List of Electors and Poll Books. In all school district bond elections hereafter held only qualified registered electors residing within the district who are taxpayers upon property therein and whose names appear upon the last completed assessment roll for state, county and school district taxes, shall have the right to vote. Upon the adoption of the resolution calling for the election, the clerk of the school district shall notify the County Clerk of the date on which the election is to be held, and qualified persons shall be

allowed to register for such election up till noon of the fifteenth (15th) day prior to the date thereof. At that time the registration books shall be closed for such election, but it shall not be necessary to give any notice of such closing of the registration books.

Closing of
registration
books.

After the closing of the registration books for such election the County Clerk shall promptly prepare lists of the registered electors of such district who are taxpayers upon property therein and whose names appear on the last completed assessment roll for state, county and school district taxes, and who are entitled to vote at such election, and shall prepare poll books for such election, as provided in Section 568 of the Revised Codes of Montana of 1921, and deliver the same to the school district clerk who shall deliver the same to the judge prior to the opening of the polls. In school districts of the first class it shall be the duty of the school district clerk to post such lists in five (5) public and conspicuous places within the district at least ten (10) days prior to the date of election. It shall not be necessary to post such lists in districts of the second and third class. A charge of five cents per name for the use and benefit of the county shall be made by the County Clerk for preparing such lists and poll books.

List of
electors.

Section 13. Conduct of Election. The bond election shall be conducted in the manner prescribed for the election of school trustees and returns shall be made and canvassed in a similar manner.

Conduct of
election.

Section 14. Percentage of Electors Required to Authorize Bond Issue. In all school district bond elections a majority of the votes cast shall be sufficient to approve and adopt the bond proposition and authorize the issuance of the bonds.

Percentage of
electors
required to
authorize bond
issue.

Section 15. Meeting of Board of Trustees to Canvass Election Returns; Resolution for Bond Issue. If such election shall authorize the issuance of such bonds, the Board of Trustees shall within sixty (60) days from the date of such election pass and adopt a resolution providing for the issue of the bonds; provided that such bonds may be issued in one or more series or installments as the Board may in such resolution direct. This resolution shall recite the amount of bonds to be issued, the maximum rate of interest, the purpose of the issue, the date they shall bear, and the period of time through which they shall be paid,

Meeting of
trustees to
canvass
election re-
turns.

and providing the manner of execution of same. It shall provide for giving preference to amortization bonds, but shall fix the denomination of serial bonds in case it shall be found necessary to issue bonds in that form, and shall direct the clerk to give notice of the sale of the bonds.

Notice of
sale of school
district bonds.

Section 16. **Form of Notice.** The notice of sale shall state the purpose or purposes for which the bonds are to be issued and the amount proposed to be issued for each purpose and shall be substantially in the following form:

“NOTICE OF SALE OF SCHOOL DISTRICT BONDS.

Form of
notice.

Notice Is Hereby Given by the Board of Trustees of School District No.....of.....County, State of Montana, that the said Board of Trustees will on the day of....., 19...., at the hour of.....o'clock M. at, in the said school district, sell to the highest and best bidder for cash, either amortization or serial bonds of the said school district in the total amount of.....Dollars, (\$.....), for the purpose of.....”.

Amortization bonds will be the first choice and serial bonds will be the second choice of the said School board.

How
amortization
bonds are
sold and
issued.

If amortization bonds are sold and issued, the entire issue may be put into one single bond or divided into several bonds, as the said Board of Trustees may determine upon at the time of sale, both principal and interest to be payable in semi-annual installments during a period of years from the date of issue.

If serial bonds are issued and sold they will be in the amount of.....Dollars, (\$.....) each, except the last bond which will be in the amount of Dollars, (\$.....) the sum of.....Dollars, (\$.....) of the said serial bonds will become payable on the.....day of....., 19...., and a like amount on the same day each year thereafter until all of such bonds are paid, except that the last installment will be in the amount of.....Dollars (\$.....).

The said bonds, whether amortization or serial bonds, will bear date of....., 19...., and will bear interest at a rate not exceeding six per centum (6%) per annum, payable semi-annually, on the.....day of.....(month).....and.....(month)....

.....in each year, and will be redeemable in full on any interest payment date from and after five (5) years from the date of issue.

The said bonds will be sold for not less than their par value with accrued interest, and all bidders must state the lowest rate of interest at which they will purchase the bonds at par. The Board of Trustees reserves the right to reject any and all bids and to sell the said bonds at private sale. How sold.

All bids other than by or on behalf of the State Board of Land Commissioners must be accompanied by a certified check in the sum of.....Dollars, (\$.....) payable to the order of the clerk, which will be forfeited by the successful bidder in the event that he shall refuse to purchase the said bonds. Certified check.

All bids should be addressed to the undersigned Clerk.

.....
Chairman, School District No..... of
..... County.
Address:

ATTEST:

.....
Clerk, School District No..... of
..... County.
Address:

Section 17. **Publication of Notice of Sale.** The school district clerk shall cause such notice to be published once a week for four (4) successive weeks in some newspaper printed and published in the State of Montana, the first publication to be not less than thirty (30) days prior to the date of sale. In districts of the first and second class, if so directed by the Board of Trustees, the Clerk shall also cause a brief notice of the bond sale to be published in some newspaper in the City of New York. The Clerk shall immediately after the first publication of such notice mail a copy thereof to the State Board of Land Commissioners. Publication of notice of sale.

Section 18. **Sale of Bonds.** The Board of Trustees shall meet at the time and place fixed in the notice to consider bids on the bond issue. The bonds shall be sold at not less than par and accrued interest and each bidder shall specify the form of bonds to be issued, whether amortization or serial, and the rate of interest at which he will purchase the bonds. A bid for amortization bonds shall Sale of bonds.

How sold.

Preference
bids.

Bids how
made and
received.

have the preference over a bid for serial bonds, all other things being equal; and in considering bids on these classes of bonds, the Board shall take into consideration not only the rate of interest demanded on each kind, but also every other known element affecting the total cost of the bonds to the district when paid in full. The Board of Trustees shall accept the bid which they shall judge most advantageous to the school district; provided, that no bid shall be accepted which will require the bonds to bear a rate of interest exceeding six per centum (6%) per annum. No attorney fees, brokerage or other fees, or commissions of any kind shall be paid to any person or corporation for assisting in the proceedings or in the preparation of the bonds, or in negotiating the sale thereof. The Trustees are authorized to reject any or all bids and to sell the bonds at private sale if they deem it for the best interests of the district, provided, however, that such bonds shall not be sold at less than par and accrued interest.

Form of
bonds.

Section 19. **Form of Bonds.** It shall not be necessary for the Board of School District Trustees to prescribe the detailed form of the bonds to be issued, but they must conform to all legal requirements for the payment thereof, whether they are issued as amortization or serial bonds. Such bonds shall be issued in the name of the school district and shall be signed by the chairman of the Board of Trustees and the school district clerk and attested with the corporate seal of the district if it has such seal. The coupons attached to the bonds shall also be signed by the said chairman and clerk, but facsimiles of their signatures may be affixed to the coupons in place of their signatures when so recited in the bonds. If the bonds are purchased by the State Board of Land Commissioners, all payments of both principal and interest shall be made at the office of the State Treasurer.

Printing of
bonds.

Section 20. **Printing of Bonds.** Under the direction of the Board of Trustees, the district clerk shall cause the bonds with coupons thereto attached to be printed or lithographed at the expense of the school district at the lowest commercial rates.

Bonds how
registered.

Section 21. **Registration of Bonds; Copy to Be Preserved.** When duly executed by the chairman and the clerk, all school district bonds shall be registered by the County Treasurer in a book provided for that purpose

before being delivered to the purchaser. This registration shall show the number and amount of each bond, the date of issue, date redeemable, the name of the purchaser, and the amount and due date of all payments required on the bonds. The school district clerk shall also provide the County Treasurer with an unsigned and cancelled printed copy of each issue of said school district bonds hereafter issued to be preserved in his office.

Copy.

Section 22. Payment for Bonds. In case the State Board of Land Commissioners is the purchaser of the bonds, the County Treasurer shall forward the registered bonds to the Secretary of the Board who shall cause the same to be delivered to the State Treasurer and to be paid in the manner provided by law. In case the bonds are purchased by other investors the County Treasurer shall deliver the bonds to them upon receiving full payment therefor. All moneys arising from the sale of such bonds shall be paid to the County Treasurer and by him credited to the school district issuing the same, and shall be immediately available for the purpose for which the bonds were issued and no other purpose.

Payments for bonds.

Section 23. County Attorney to Assist in the Proceedings. It is hereby expressly made a part of the official duties of the County Attorney of every county of this State to advise and assist the boards of school district trustees of his county in their bonding proceedings. Before any transcript of school district bonding proceedings is transmitted to the Secretary of the State Board of Land Commissioners, he shall carefully examine such transcript, and the same shall not be transmitted until he shall attach thereto his opinion that the proceedings are in full compliance with the statutes.

County attorney to assist in proceedings.

Section 24. School Districts Liable on Bonds. The full faith, credit and taxable resources of every school district issuing bonds under the provisions of this Act are hereby solemnly pledged for the repayment of such bonds with interest according to their terms. For the purpose of making the provisions of this Act enforceable every school district is hereby declared to be a body corporate which may sue and be sued by or in the name of the Board of Trustees of such school district.

School districts liable on bonds.

Section 25. Board of Trustees to Determine Amounts Necessary for Payment of Interest and Principal on Bonds. Duties of Treasurer and County Commissioners.

Interest and principal payments.

The Board of Trustees of every school district in this State having outstanding bonds shall on or before the second Monday of July of each year prepare a statement and certify to the Board of County Commissioners the amount of money necessary to be raised by taxation for the ensuing year to pay the interest and retire part or all of the principal of each series of its outstanding bonds according to the terms and conditions of such series of bonds and the redemption plans of such Board of Trustees; but the minimum amount determined upon and certified to the Board of County Commissioners shall in all cases be sufficient to pay all interest and all installments on principal becoming due during the ensuing year on all series of the outstanding bonds of the district issued subsequent to March 1st, 1924; and it shall also in all cases be sufficient to pay all interest becoming due during the ensuing year on each series of outstanding bonds issued prior to March 1st, 1924, and to place in the sinking fund such an amount as will be obtained by dividing the full amount of such series by the number of years for which the bonds were issued; provided, however, that in the case of a joint school district one copy of such certificate and statement must be transmitted to the County Superintendent of each county in which any part of the joint district is situated, instead of to the Board of County Commissioners.

Duties of
treasurer
and county
commissioners.

The County Treasurer shall examine the statement of the amount or amounts determined upon by the Board of School Trustees and certified to the Board of County Commissioners, and if he finds that the amount certified is less than the minimum amount as defined in this section, then he shall raise the amount to such minimum for each series of bonds; and if the Board of Trustees shall fail to certify any amount whatever, then the County Treasurer shall make out the statement and certify to the Board of County Commissioners the minimum amount for each series of bonds as defined in this section.

Levy of taxes
to pay interest
and principal.

Section 26. Levy of Taxes by the Board of County Commissioners to Pay Interest and Principal on Bonds. The Board of County Commissioners of every county of this State shall at the time of making the annual levy of taxes for county purposes levy taxes for the same year upon all taxable property within every school district of its county having outstanding bonds for the payment of interest and principal on such bonds as certified to it

under the provisions of the preceding section. The taxes so levied shall in all respects be collected as state and county taxes and shall be a lien upon the property assessed and taxed the same as such taxes.

Section 27. Liability of the Board of County Commissioners. If the Board of County Commissioners shall fail in any year to make a levy for any issue or series of bonds of any school district sufficient to raise the amount necessary for payment of interest and principal, if any, becoming due during the next ensuing year, or to raise an amount sufficient to pay the interest becoming due during such year and to create a sinking fund for payment of the principal of such bonds on their maturity, as such amounts are certified to it under the provisions of section twenty-five of this Act, the holder of any bond of such issue or series, or any taxpayer paying taxes upon property situated in such school district, may apply to the district court of the county in which such school district is situated for a writ of mandate to compel the Board of County Commissioners of such county to make a sufficient levy for such purposes; and if, upon the hearing of such application, it shall appear to the satisfaction of the court that the Board of County Commissioners of such county has failed to make any levy whatever, or has made a levy but that the same is insufficient to raise the amount required to be raised as shown by the statement provided for by section twenty-five of this Act, the court shall determine the amount of such deficiency and shall issue a writ of mandate directed to and requiring the said Board of County Commissioners, at the next meeting thereof for the purpose of fixing tax levies for county purposes, to fix and make a levy against all taxable property in such school district sufficient to raise the amount of such deficiency, which levy shall be in addition to any levy required to be made at that time for the year then next ensuing; provided, however, that any costs which may be allowed or awarded the petitioner in any such proceeding shall be paid by the members of the Board of County Commissioners, and shall not be a charge against either such school district or the county.

Liability of
the board of
county
commissioners.

Section 28. County Treasurer to Keep Record of the Various Funds. The County Treasurer shall keep a separate sinking and interest fund for each school district, and shall charge all moneys collected from taxes levied for the payment of interest and principal of school district

Treasurer to
keep record
of various
funds.

bonds to the several funds to which they properly belong, and the money in each such fund shall be used for the payment of the interest and principal of the bonds belonging to the same, and for no other purpose whatever, except as hereafter provided in this Act.

Duties of
county
treasurer.

Section 29. Duty of County Treasurer. The County Treasurer shall pay from the proper funds applicable thereto all amounts of interest and principal on school district bonds as such interest and principal becomes due, upon the presentation and surrender of the coupon or coupons, bond or bonds to be paid; provided, however, that if the bonds are held by the State of Montana, then all such payments shall be remitted to the State Treasurer who shall cancel the coupons or bonds and return the same to the County Treasurer together with his receipt; and provided further that if the bonds are not held by the State of Montana, and the interest or principal is made payable at some designated bank or financial institution, then the Treasurer shall remit the amount due for interest or principal to such bank or financial institution for payment against the surrender of the cancelled coupons or bonds.

When interest
shall cease.

Whenever any school district bond, or installment thereon, shall become due and payable, interest shall cease thereon on such date; provided, however, that if such bond shall be presented for payment, or payment of any installment shall be demanded, when the same becomes due, and payment of such bond or installment shall not be made because of sufficient funds not being available for such purpose, interest shall continue thereon until payment is made.

Interest on
deferred
payments.

Any and all installments on interest and principal on bonds held by the State not promptly paid when due shall draw interest at the rate of six per centum (6%) per annum from the date due until actually paid, irrespective of the rate of interest on the bonds themselves.

Payment of
bonds held
by state.

Section 30. Payment of Bonds Held by the State and of Optional Bonds. Whenever there is available money in any school district bond sinking fund sufficient to pay and redeem one or more bonds of such series or issue held by the State of Montana, the County Treasurer must apply such available money in payment of as many of such bonds as the same will pay. Not less than thirty (30) days before the next interest due date the County Treas-

urer must give notice to the State Board of Land Commissioners that on such interest due date such bond or bonds will be paid, and such County Treasurer, before such interest due date, must remit to the State Treasurer the amount required to pay such bond or bonds with interest. Upon receipt of such amount, the State Treasurer must cancel such bond or bonds, and all unpaid coupons attached thereto, and return the same, with his receipt, to the County Treasurer, provided, however, that nothing in this section shall be so construed as to permit the issuance of refunding bonds by any school district for the purpose of redeeming, before maturity, any bond or bonds held by the state, nor to grant the right to pay any bond or bonds held by the state with the proceeds of any refunding bond issue, except as provided in Section 7 of this Act.

cancellation
of bonds.

Whenever there is available money in any school district bond sinking fund sufficient to pay one or more optional bonds of such issue or series, and which optional bonds are not yet due but are then redeemable, or will become redeemable on the next interest due date, and such bonds are not held by the State of Montana, the County Treasurer must apply such available money in payment and redemption of as many of such bonds as the same will pay and redeem. The County Treasurer must give notice to the holder of such bond or bonds, if known to him, or to any bank or financial institution at which such bonds are payable, at least thirty (30) days before the next interest due date, that such bond or bonds will be paid and redeemed on such date. If such bonds are payable at some bank or financial institution the County Treasurer must remit to such bank or financial institution, before such interest due date, an amount sufficient to pay and redeem such bond or bonds. If such bond or bonds are not presented for payment and redemption on such interest due date interest shall cease thereon on such date.

Application
of moneys
by treasurer.

Section 31. **Entry of Payments and Notice to Clerk.** The County Treasurer shall make the necessary entries of all such payments of interest and principal on his bond registration record and shall promptly notify the clerk of the school district of the payments made and shall at the end of each month deliver the cancelled coupons and securities to the County Clerk, who shall file same in his office.

Entry of
payments and
notice to clerk.

Balances of
sinking funds
to transfer to
general fund.

Section 32. **Balances of Sinking Funds to Be Transferred.** When all of the bonds of any school district, together with all interest thereon, have been fully paid, all money remaining in the sinking fund for such school district and all moneys which may come into such sinking fund from the payment of the delinquent taxes shall be transferred by the County Treasurer to the general fund of such school district.

Saving clause.

Section 33. If any part or parts of this Act shall be held to be unconstitutional, this shall not affect the validity of any other provisions of this Act.

Repeal.

Section 34. **Repeal.** Sections 1032, 1230, 1232, and Section 1244 to 1251 inclusive of the Revised Codes of Montana of 1921, and Sections 1224, 1225, 1226, 1228 and 1229 of the Revised Codes of Montana of 1921, as amended by Chapter 153 of the Session Laws of 1923, and the said Chapter 153 of the Session Laws of 1923, and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed; provided, however, that any and all outstanding bonds lawfully issued by school districts under such repealed sections and acts shall be and remain valid and subsisting bonds and obligations of the school districts issuing the same, and shall be subject to payment and redemption in the manner provided in this Act; and provided, further, that if, at the time this Act takes effect, any school district has initiated proceedings under such repealed sections and acts for the purpose of issuing bonds for any purpose therein authorized, such proceedings may be completed and such bonds issued and sold in the manner provided in such repealed sections and acts.

Section 35. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 148.

An Act Relating to Delinquent Taxes and Special Assessments of Cities and Towns, in Which Cities or Towns the City Treasurer Collects the Taxes So As to Provide That All Delinquent Taxes and Assessments Shall Be Certified to the County Treasurer and That Such Delinquent Taxes and Assessments Shall Be Included by the County Treasurer in All Tax Sales Made by Him.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever, in a city or town whose treasurer collects its own taxes or special assessments, or both thereof, any such taxes or assessments shall become delinquent, no tax sale shall be held by such city or town treasurer therefor, but such city or town treasurer must, within ten (10) days after the date the same become delinquent, certify all such delinquent taxes and assessments to the County Treasurer of the county in which the city or town is situated. Such certificate shall contain the description of each lot or parcel of land on which any tax or assessment has become delinquent, the name and address of the person to whom assessed, the date when the same became delinquent, the amount of the delinquent tax or assessment, the penalty to be added thereto, and the total amount of such delinquent tax or assessment with penalty added. If any special assessment is payable in installments and any installment thereof becomes delinquent, the amount of such delinquent installment shall be included in such certificate, provided, however, that if the city or town council, by the adoption of an appropriate resolution shall declare the whole of the assessment remaining unpaid to be delinquent, as provided in Section 5251 Revised Codes of Montana, 1921, then the whole of the assessment remaining unpaid shall be included in such certificate.

Certification
of delinquent
taxes to
treasurer.

Contents of
certificate.

Delinquent
special
installments.

Upon receipt of such certificate the County Treasurer shall enter such delinquent taxes and assessments in the delinquent tax list of the county, and the County Treasurer in selling property for delinquent taxes must include all such city and town delinquent taxes and assessments, there being but one sale for each piece of property, such sale to cover the aggregate of such city or town, county and state taxes and special assessments, with the penalties, interest and costs provided by law.

Delinquent
tax list
in county.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 149.

An Act Relating to Contracts for the Construction of Buildings or the Alteration, Repair and Improvement of Buildings and Grounds on Behalf of and for the Benefit of the State Advertising for Bids, Awarding Contracts and Prohibiting the Cost Plus System or Principle.

Be it enacted by the Legislative Assembly of the State of Montana:

Regulations
on contracts.

Requirements.

Publication.

Contents of
advertisement.

Bids.

Section 1. **Contracts—Requirements—Advertising.** It shall be unlawful for the Board of Examiners or any offices, Departments, institutions, or any agent of the State of Montana acting for or in behalf of said State to let any contract for the construction of buildings or the alteration, repair and improvement of buildings and grounds on behalf of and for the benefit of the State where the amount involved is Five Hundred Dollars (\$500.00) or more without first advertising in at least one (1) issue each week for three (3) consecutive weeks in two (2) newspapers published in the state, one (1) of which must be published at the seat of government, and the other in the county where the work is to be performed calling for sealed bids to perform such work and stating the time and place, when and where such bids will be considered.

Section 2. **Contents of Advertisement.** The Board must specify in the advertisement the amount, kind, and general character of the buildings or grounds to be improved, altered, repaired, or constructed and must refer to the place where the plans, specifications and details may be found, and the same must be available to any prospective bidder.

Section 3. There must be bids from at least two (2) responsible contractors in their respective lines when said contract involves an expenditure of more than Two Thousand Dollars (\$2,000.00); each bid must be accompanied by a certified check for 5% of the amount of his bid.

Section 4. **Awarding Contracts.** The bids received must be given to the Board, opened and compared at its office at ten o'clock A. M. of the day specified in the advertisement, and the Board must award the contract for the construction of the buildings for the alteration, repair, or improvement of any buildings and grounds to the lowest responsible bidder at such time. Provided, however, said Board has power to reject any and all bids.

Awarding
contracts.

Section 5. **Cost Plus.** Any contracts hereafter made by, on behalf of or for the State of Montana after the passage of this Act which shall directly or indirectly recognize the cost plus system or principle shall be void and of no effect, and this Act shall stand as a notice of the invalidity of any such contract.

Cost plus
system invalid.

Section 6. Nothing herewith contained shall in any way be construed as altering, modifying or changing the laws providing for or relating to the State Purchasing Department, or the purchasing agent of the state.

State
purchasing
department
excepted.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 150.

An Act to Amend Sections 1116, 1117, 1118, 1124, 1125, 1126, and 1127 of Chapter 88, of the Revised Codes of Montana, of 1921, Relating to the Creating of Funds in the State Treasury to Provide for the Retirement of Public School Teachers, and Providing for the Custody, Management, Investment and Distribution of Such Funds, and to Amend Said Chapter 88 of the Revised Codes of Montana, of 1921, by Adding a New Section Thereto to Be Known As Section 1116-A, Providing for Penalties for the Failure of the Clerk of a School District to Perform the Duties Imposed Upon Him by Said Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1116 of Chapter 88 of the Revised Codes of the State of Montana of 1921 be, and the same is hereby amended to read as follows:

Monthly
contributions
to permanent
fund.

“Section 1116. Monthly Contributions to Permanent Fund. There shall be deducted from the salary of every teacher subject to the provisions of this Act, One Dollar (\$1.00) from the compensation paid to such teacher for every month, not to exceed, however, nine (9) in any one calendar year, for which such teacher receives compensation, and it shall be the duty of the clerk of the Board of Trustees for the school district in which such teacher is employed to make said deductions at the time of the payment of such teacher's compensation and at the end of each quarter to draw a warrant in favor of the State Treasurer for the amounts deducted, and promptly forward the same to the State Treasurer. The amounts thus deducted shall be deposited in the State Treasury to the credit of the public school teachers' permanent fund, and shall constitute a part thereof. It further shall be the duty of said clerk of the board of trustees to quarterly transmit to the public school teachers' retirement salary fund board a list of teachers employed in the said school district together with a statement of the respective amounts paid by said teachers into the public school teachers' permanent fund for the quarter covered by said report.”

Section 2. That Chapter 88 of part III of the Political Codes of the Revised Codes of the State of Montana, of 1921, be, and the same is hereby amended by the addition of a new section to be known as Section 1116A, to read as follows:

Penalty for
failure of
clerk to make
deductions or
report.

“Section 1116A. Penalty for Failure of Clerk to Make Deductions or Report. Any Clerk of any board of trustees of any school district or the County Clerk and Recorder of any county within the State of Montana, who fails to make the deductions provided for herein, or fails to promptly transmit the warrant or warrants covering said deductions to the State Treasurer or fails to render the quarterly report to the public school teachers' retirement salary fund board as provided herein, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00) for each violation.”

Section 3. That Section 1117 of Chapter 88 of the Revised Codes of the State of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 1117. Condition for Obtaining Benefits of Law. No person shall be eligible to receive the benefits of this Act, who shall not have paid into said public school teachers’ permanent fund the sum of Six Hundred Dollars (\$600.00) in the manner and form as in this Act provided; provided, however, that the difference between the amount actually paid by such teacher of thirty years’ service and Six Hundred Dollars (\$600.00), may be paid into such fund by such teacher at the time of retirement, with the same effect as if the full sum of Six Hundred Dollars (\$600.00) had been paid before retirement in the manner and form provided in this Act.

Condition for obtaining benefits of law.

And provided further that any teacher now receiving the benefits provided by this Act or who has been placed upon the eligible list and is entitled to the benefits provided by this Act, shall be entitled to all the benefits of this Act, as amended, without any further act or qualifications on his or her part; provided that no person shall receive beneficiary funds from this Act who is receiving from other sources as much as Two Thousand Dollars (\$2,000.00) per annum.

Who may be eligible.

Section 4. That Section 1118 of Chapter 88 of the Revised Codes of the State of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 1118. Retirement Salary Fund Board—Membership. The Superintendent of Public Instruction, the Treasurer, the Attorney General of the State of Montana, and two teachers legally qualified and actually engaged in classroom teaching in public, state or county schools in the State of Montana, and who are contributors to the public school teachers permanent fund under Section 1116, to be appointed by the Governor, shall constitute the Public School Teachers’ Retirement Salary Fund Board. The term of office of the appointive members of said board shall be two years, except as provided herein, and shall begin on the first day of July, next succeeding their appointment; provided that the terms of office of the first members appointed shall be one for a period of one year and one for a period of two years. In case any vacancy occurs among the appointive members of said board, said vacancy shall be filled immediately by the Governor and

Retirement salary fund board.

Term of office.

Vacancies.

Traveling
expenses.

the appointee shall serve the balance of the term for which the original member was appointed. Members of said board shall receive no compensation except their necessary traveling expenses incurred in attending meetings of the board, to be paid from the Public School Teachers' Retirement Fund upon the certificate of the chairman and secretary of said board."

Section 5. That Section 1124 of Chapter 88 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

Duties of
county and
and state
superintendent.

"Section 1124. Duty of County and State Superintendent—Warrants. The County Superintendent shall report to the State Superintendent of Public Instruction, before the fifteenth day of July of each year, the names of all persons claiming and the amount that will be required during the current fiscal year to pay the retirement salaries to be paid in such district or county, together with a statement of the teachers employed in such district or county who are subject to the deductions provided by section 1116, and said State Superintendent of Public Instruction shall determine from said reports and statements the entire amount required to pay said retirement salaries during said fiscal year and the entire amount of probable revenue to be derived from the source mentioned in Section 1113. He shall report the amount required to make such payments to the Public School Teachers' Salary Fund Board, together with a statement of the probable revenue to be derived from the various sources during the fiscal year, and thereupon after verifying or correcting same, said board shall notify the State Treasurer, and by resolution, duly adopted, shall direct him to make transfer of the needed amount from the public school teachers' permanent fund to the public school teachers' retirement salary fund, provided, however, that the board shall not direct a transfer of an amount in excess of the amount of probable revenue to be received into the public school teachers' permanent fund during said fiscal year from the sources mentioned in Section 1113, it being the intention of this act, in the event the revenue received into the public school teachers' permanent fund during the fiscal year is not sufficient to pay those entitled to the benefits of this act the full amounts provided in sections 1125 and 1126, that the amount of revenue received into the said public school teachers' permanent fund for said fiscal year shall be prorated to those entitled to the benefits of this

Reports as to
amount
available.

How handled.

Prorated
according
interests. to

act in proportion to their respective interests for said fiscal year."

Section 6. That Section 1125 of Chapter 88 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 1125. Persons Entitled to, and Amount of Retirement Salary. Every public, state or county school teacher who shall have attained the age of fifty-five years and who shall have served as a legally qualified teacher in public, state or county day or evening schools, or partly as such teacher and partly as state or county or city superintendent or supervising executive or educational administrator for at least thirty school years, at least fifteen of which shall have been in the schools, as hereinbefore specified, of this state, including the last ten years of actual service, unless leave of absence shall have been granted by proper school authorities, shall be entitled to retirement, no time included in such leave of absence to be reckoned as time of service. Upon retirement such teacher shall be entitled to receive during life an annual retirement salary of Six Hundred Dollars (\$600.00), subject to the provisions and limitations of Section 1124, payable in installments quarterly by warrants drawn as provided in this act; provided, the teachers in the service of the state at the time of the passage of this act, who shall have served in states other than this, shall, at the end of thirty years' service, the last ten years of which shall be in this state as hereinbefore provided, be entitled to the benefits of this Act."

Who entitled
to retirement
salary.

Amount of
salary.

Section 7. That Section 1126 of Chapter 88 of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

"Section 1126. Retirement by Reason of Bodily or Mental Infirmary. Any legally qualified public, state or county school teacher, who shall have served as such or in the capacity of school officer, as hereinbefore specified, for at least fifteen school years in the public schools or school offices as specified above, of this state, and who shall, by reason of bodily or mental infirmity, have become physically or mentally incapacitated for further service, shall be entitled to retire, or may, by the board of education, school trustees or other school authorities employing such teacher, be compelled to retire. Upon such retirement, voluntary or involuntary, such teacher shall be entitled to receive, during the period of such dis-

Retirement
by reason of
bodily or
mental
infirmity.

Amount of
salary.

ability, an annual retirement salary, which shall bear the same proportion to Six Hundred Dollars (\$600.00) as is borne by the number of years of said teacher's time to thirty years, subject, however, to the provisions and limitations of Section 1124."

Section 8. That Section 1127 of Chapter 88 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

How school
year computed.

"Section 1127. Determination of School Year for Purposes of Computation. In counting the actual time of service for the purpose of this act, the public school teachers' retirement salary fund board shall determine what constitutes a school year; provided, that no credit upon the requisite thirty years' service contemplated by this act, shall be allowed for more than one school year's service during any calendar year."

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1927.

CHAPTER 151.

An Act Prescribing the Salary of Certain Deputy State Officers of the State of Montana and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The annual compensation allowed to the Deputy Secretary of State shall be \$3,000.00.

Section 2. The annual compensation allowed to the Deputy State Treasurer shall be \$3,000.00.

Section 3. The annual compensation allowed to the Deputy State Auditor shall be \$3,000.00.

Section 4. The annual compensation allowed to the Deputy Insurance Commissioner shall be \$3,000.00.

Section 5. All Acts and parts of Acts in conflict herewith shall be hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1927.

CHAPTER 152.

An Act Providing for the Employment of Prisoners Confined in the State Penitentiary, Authorizing and Empowering the State Board of Prison Commissioners to Establish, Construct, Maintain and Operate at the State Penitentiary at Deer Lodge, a Factory for the Manufacture of Wearing Apparel; Providing That the Products Thereof Shall Not Be Sold in the Open Market Nor Compete With the Products of Free Labor; Making the Warden of the State Prison Superintendent of Said Factory, Under the Supervision of the Board of Prison Commissioners; Providing for the Disposal of the Products Thereof; Creating a Prison Revolving Fund and Making a Supplemental Appropriation of Money for the Purpose of Carrying This Act Into Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Prison Commissioners of the State of Montana is hereby authorized and empowered, and it shall be its duty, to construct, maintain and operate at the Montana State Prison, as soon as may be possible, a factory for the manufacture of wearing apparel. In connection with the operation of such factory the Warden shall make requisition to the Purchasing Department of the state for the purchase of all necessary materials used in the manufacture of wearing apparel and products as contemplated by this Act. All wearing apparel so manufactured at said penitentiary and not required for use therein, shall be sold to the State for use by the state in any of the public institutions owned or managed and controlled by the state, at and for such price as shall be fixed and determined by the State Purchasing Agent and Warden of the State Penitentiary, provided, however, that none of said wearing apparel shall be sold in the open market in competition with the products of free labor.

Wearing
apparel
factory
authorized.

Purchasing of
material.

Disposal of
product.

Competition.

Warden is
superintendent.

Section 2. The Warden of the Montana State Prison shall be the Superintendent of such factory and shall conduct the same under the supervision of the said Board of Prison Commissioners; he shall keep accounts of all transactions. All moneys received by said Warden from the sale of such wearing apparel shall be deposited by him monthly with the State Treasurer and be credited to the Prison Factory Revolving Fund, hereby created. Out of such fund there shall be paid such claims as are approved by the Warden and the State Board of Examiners for expenses incident to the operation of such factory. As often as there shall accrue in said fund any profits amounting to the sum of One Thousand Dollars (\$1,000.00) from the operation of said factory, the same shall be paid into the General Fund of the state.

Disposition of
funds.

Labor.

Section 3. That for the purpose of operating said factory, there shall be used and employed the prisoners confined in said State Penitentiary, and the Warden is hereby authorized to employ such skilled laborers only as in his judgment and in the judgment of the Board of Prison Commissioners, may be necessary for the feasible and profitable employment of the said prisoners, provided however, that no skilled laborers shall be employed if prison labor can be made use of.

Agreements
concerning.

Section 4. The Warden of the State Penitentiary, with the consent of the State Board of Prison Commissioners is hereby authorized and empowered to enter into any agreement relative to state uses of the products of such factory.

Appropriation.

Section 5. There is hereby appropriated, out of any money in the State Treasury not otherwise appropriated. the sum of Fifteen Thousand Dollars (\$15,000.00) for the purpose of carrying out the provisions of this Act, which said appropriation shall be a supplemental appropriation as provided in Section 301, Revised Codes of Montana of 1921.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1927.

CHAPTER 153.

An Act to Amend Section 162, Revised Codes, Montana, 1921, As Amended by Chapter 99, Laws Eighteenth Legislative Assembly, 1923, Providing Additional Compensation for the State Auditor in Recognition of the Additional Duties Required of Said State Auditor As Commissioner of Insurance Ex Officio.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 162, Revised Codes, Montana, 1921, as amended by Chapter 99, Laws Eighteenth Legislative Assembly, 1923, shall be and the same hereby is amended to read as follows:

“The State Auditor in addition to his present title shall be hereafter designated as Commissioner of Insurance. He shall appoint a Deputy to be designated as Deputy Commissioner of Insurance, who shall be in charge of the department of insurance in the said Auditor’s office under the direction and control of said State Auditor and Commissioner of Insurance. The insurance commissioner shall have and exercise the power to enforce all the laws of the state relating to insurance, and it shall be his duty to enforce all the provisions of such laws for the public good. Provided that nothing herein contained shall be construed to authorize an increase of employees in said office.

Commissioner
of insurance
deputy.

Powers and
duties.

Employees.

As insurance commissioner, ex officio, the state auditor shall receive, in addition to the salary provided by law for the discharge of the duties of state auditor, the additional sum of Six Hundred Dollars per year, payable in equal monthly installments with the salary of state auditor.”

Salary of
commissioner.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1927.

**APPROPRIATIONS,
MEMORIALS AND RESOLUTIONS**

ENACTED BY THE

**Twentieth Legislative Assembly
STATE OF MONTANA**

1927

APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 1.

An Act to appropriate Money for the Payment of Mileage and Per Diem to the Members of the Twentieth Legislative Assembly of the State of Montana and Per Diem to the Officers and Attaches of the Twentieth Legislative Assembly of the State of Montana, and for Incidental Expenses of the Twentieth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the Twentieth Legislative Assembly of the State of Montana, One Hundred Five Thousand Dollars\$105,000.00

For the payment of per diem to the officers and attaches of the Twentieth Legislative Assembly of the State of Montana, Fifty Thousand Dollars\$ 50,000.00

For the payment of incidental expenses of the Twentieth Legislative Assembly of the State of Montana, Thirty Thousand Dollars\$ 30,000.00

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved January 7, 1927.

HOUSE BILL NO. 19.

An Act to appropriate Money for the Refund of Overpayment of Certain Taxes, Fees, and Other Collections.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be and the same are hereby appropriated out of any

SESSION LAWS

moneys in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed.

- (1). For the refund of excess collection of inheritance taxes by the State of Montana, One Thousand One Hundred Fifty-four and 08/100 Dollars.....\$1,154.08

the same being more particularly itemized as follows:

F. W. Hall, Administrator, Estate of	
Mary Spellman	\$ 12.06
Estate of William H. Burger.....	28.79
Estate of Amelia A. Paul.....	44.45
Estate of Lucy C. Underwood.....	17.87
Estate of John Steward	403.95
Estate of Helen H. LeFevre	93.07
Estate of Daniel Good, deceased.....	30.71
Estate of Mary Louise Norrie, deceased.....	50.89
Estate of Lyman H. Granger, deceased.....	44.61
Estate of Albert Stone, deceased	333.32
Estate of Ida A. Holland	90.80
Estate of Albert B. Simonson.....	3.56

- (2). For the refund of excess payment to the State of Montana for taxes, fees and other collections, One Thousand Six Hundred Ninety-four and 46/100 Dollars.....\$1,694.46

the same being more particularly itemized as follows:

Carter County	\$ 2.77
National Life Insurance Company.....	195.27
Golden Valley County	5.29
Star Insurance Company of America.....	219.05
Musselshell County	71.48
Prudential Re and Coinsurance Company	
Limited	25.00
Globe & Rutgers Fire Insurance Company..	603.50
National Cash Register Company.....	112.41
Mattson Lumber Company	6.86
American Eagle Fire Insurance Company....	90.58
Fidelity Phoenix Fire Insurance Company..	56.00
The Continental Insurance Company.....	306.25

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 1, 1927.

TWENTIETH LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 30.

An Act Authorizing O. G. Willett to File With the State Board of Examiners as a Deficiency Claim Against the State of Montana for Payment to Him of Moneys Expended by Him for the Maintenance of the Lepersorium Created by Mineral County, Montana, and for Supplies and Equipment Used Therein by Reason of the Quarantine Regulation Enforced by the State Board of Health of the State of Montana Wherein Said O. G. Willett Is Now Held in Quarantine in Mineral County, Montana; and Authorizing Said State Board of Examiners to Hear, Audit and Determine the Said Claim of O. G. Willett and Make An Appropriation to Pay Any Such Claim of Said O. G. Willett Which the Said State Board of Examiners May Approve and Allow.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. WHEREAS, O. G. Willett, a resident and inhabitant of the State of Montana, asserts that in the month of October, 1917, he was placed in quarantine in a lepersorium situated in Mineral County, Montana, by reason of having developed a certain infectious disease known as leprosy; and,

WHEREAS, since said month of October, 1917, at the time said quarantine was established, the said O. G. Willett has been and is now held in quarantine in said lepersorium situated in Mineral County, Montana; and,

WHEREAS, neither the United States Government, nor the State of Montana had any lepersorium of any character or kind in October, 1917, at which time the said quarantine was established; and,

WHEREAS, the said O. G. Willett asserts that he has been forced to, and did necessarily expend, in the maintenance, upkeep and furnishing of necessary supplies during said quarantine, of the sum of Nine Thousand One Hundred Seventy-four Dollars (\$9,174.00); and,

WHEREAS, the said State of Montana has wholly failed and neglected to reimburse said O. G. Willett for any sum or sums thus necessarily expended by him in the premises;

NOW, THEREFORE, The Board of Examiners is hereby authorized to hear, audit, and determine the claim of O. G. Willett against the State for the payment to him of the moneys necessarily expended by him in the maintenance, up-keep and purchase of necessary supplies in said lepersorium; and if the said Board of Examiners finds that such moneys were so necessarily expended in the maintenance and up-keep of said lepersorium, and in the obtain-

SESSION LAWS

ing of necessary furnishings and supplies therein, then said claim shall constitute a legal and valid claim against the State of Montana, and the Board of Examiners may award, approve and allow such claim in favor of the claimant for such sum as shall be just and equitable, and the Auditor is hereby authorized to draw his warrant upon the State Treasurer for such sum as may be allowed and approved by said Board of Examiners; provided, however, that no claim shall be allowed or approved by said State Board of Examiners for any amount in excess of the sum of Nine Thousand One Hundred Seventy-four Dollars (\$9,174.00); provided further, that such claim must be filed with the said Board of Examiners within three (3) months after the approval of this act.

Section 2. That the sum of Nine Thousand One Hundred Seventy-four Dollars (\$9,174.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying any claim which may be allowed and approved by said Board of Examiners in favor of the said O. G. Willett; provided, that in the event that any such settlement is made with the said O. G. Willett, that as a part of consideration of said settlement, the said O. G. Willett shall execute to the State of Montana a release in full of all demands and claims of the said O. G. Willett against the State of Montana to the date of said release. It is further provided that as soon as the State Board of Examiners shall have allowed and approved the said claim of O. G. Willett that then the said Board of Examiners shall immediately pay over to the duly and legally appointed guardian of said O. G. Willett the sum of Nine Thousand One Hundred Seventy-four Dollars (\$9,174.00), or so much thereof as may be necessary as hereinabove provided for, but said sum or any other sum shall not be paid until said O. G. Willett shall have filed with the Board of Examiners his consent, in writing, to be removed to the Federal Lepersorium at Carville, Louisiana; and, provided further, that said money shall not be paid until O. G. Willett's wife shall also file her consent, in writing, waiving all claims or demands in full against the State of Montana; it being further provided that in event said O. G. Willett shall fail or refuse to leave the State of Montana and go to the Lepersorium at Carville, Louisiana, that then, and in that event, the State Board of Examiners are hereby instructed not to pay the above sum of money, or any part thereof, to said O. G. Willett.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved February 14, 1927.

TWENTIETH LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 34.

An Act to Appropriate Money From the Industrial Accident Fund of the State of Montana for Payment of Compensation on the Claim of Harry M. Courter, Which Claim Was Disallowed by the Industrial Accident Board, Because It Was Not Presented Within Six Months Following the Date of Injury.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Two Hundred Fifty Dollars (\$2250.00) is hereby appropriated out of any moneys in the Industrial Accident Fund of the State of Montana for payment of the claim of Harry M. Courter of Butte, Montana, which claim was not presented within six (6) months from the date of the happening of the accident. Provided, however that before said money shall be paid to said Harry M. Courter, the said Industrial Accident Board shall investigate and determine the validity of said claim, and if said Board shall find that said claim of the said Harry M. Courter would have been a just and valid claim in the sum of Two Thousand Two Hundred Fifty Dollars (\$2250.00) or any less amount, had the same been presented in time, then, the said Board is hereby authorized and empowered to pay such amount as said Board shall allow, not to exceed Two Thousand Two Hundred Fifty Dollars (\$2250.00).

Section 2. The Industrial Accident Board is hereby authorized to pay out of the Industrial Accident Fund to the said Harry M. Courter the said amount.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 7, 1927.

HOUSE BILL NO. 37.

An Act Appropriating Money for the Operation and Maintenance of Certain of the State Departments of the State of Montana for the Period Beginning July 1, 1927, and Ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any

SESSION LAWS

moneys in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed for the year beginning July 1, 1927 and ending June 30, 1928.

THE SUPREME COURT.

(1). For the purposes of paying salaries of the Supreme Court, Forty-eight Thousand Three Hundred Eighty Dollars (\$48,380.00), The same being more particularly itemized as follows:

Salary of Justices, Thirty Thousand Dollars.....	\$30,000.00
Salary of Clerk Three Thousand Dollars.....	\$ 3,000.00
Salary of Reporter, Two Thousand Six Hundred Dollars....	\$ 2,600.00
Salary of Marshal, One Thousand Eight Hundred Dollars..	\$ 1,800.00
Other Salaries, Three Thousand Four Hundred Eighty Dollars	\$ 3,480.00

Reporting Montana Decisions, Seven Thousand Five Hundred Dollars

	\$ 7,500.00
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(2). For the purpose of paying for furniture, fixtures, repairs, and replacements for the use of the Supreme Court, classified generally in the state accounting system as "capital" and "repairs and replacements."

One Hundred Fifty Dollars	\$ 150.00
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(3). For the purpose of paying other operating expenses,

Four Thousand Five Hundred Eighty-seven Dollars.....	\$ 4,587.00
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DISTRICT JUDGES.

(1). For the purposes of paying salaries of the District Judges,

One Hundred Forty-four Thousand Dollars.....	\$144,000.00
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(2). For the purpose of paying the traveling expenses of the District Judges:

Eleven Thousand Dollars	\$ 11,000.00
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COUNTY ATTORNEYS.

For the purpose of paying the salaries of County Attorneys:

Fifty-two Thousand Dollars	\$ 52,000.00
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TRANSPORTATION OF PRISONERS.

For the purpose of paying for the transportation of prisoners:

Seven Thousand Five Hundred Dollars.....	\$ 7,500.00
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Section 2. That the following sums, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the

TWENTIETH LEGISLATIVE ASSEMBLY

objects and purposes hereinafter expressed for the year beginning July 1, 1928, and ending June 30, 1929.

THE SUPREME COURT.

(1). For the purpose of paying the salaries of the Supreme Court:

Forty-eight Thousand Three Hundred Eighty Dollars.....\$ 48,380.00

The same being more particularly itemized as follows:

Salary of Justices, Thirty Thousand Dollars\$ 30,000.00

Salary of Clerk, Three Thousand Dollars.....\$ 3,000.00

Salary of Reporter, Two Thousand Six Hundred Dollars..\$ 2,600.00

Salary of Marshal, One Thousand Eight Hundred Dollars\$ 1,800.00

Other Salaries, Three Thousand Four Hundred Eighty Dollars\$ 3,480.00

Reporting Montana Decisions, Seven Thousand Five Hundred Dollars\$ 7,500.00

(2). For the purpose of paying for furniture, fixtures, repairs and replacements for the use of the Supreme Court, classified generally in the state accounting system as capital and repairs and replacements.

One Hundred Fifty Dollars\$ 150.00

(3). For the purpose of paying other operating expenses:

Four Thousand Five Hundred Eighty-seven Dollars..... 4,587.00

DISTRICT JUDGES.

(1). For the purpose of paying the salaries of the District Judges:

One Hundred Forty-four Thousand Dollars.....\$144,000.00

(2). For the purpose of paying the traveling expenses of the District Judges:

Eleven Thousand Dollars\$ 11,000.00

COUNTY ATTORNEYS.

For the purpose of paying the salaries of County Attorneys:

Fifty-two Thousand Dollars\$ 52,000.00

TRANSPORTATION OF PRISONERS.

For the purpose of paying for the transporting of prisoners:

Seven Thousand Five Hundred Dollars\$ 7,500.00

"Section 3. (1). The appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act."

Approved February 7, 1927.

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HOUSE BILL NO. 64.

An Act to Appropriate Money for the Operation and Maintenance of Certain of the State Offices of the State of Montana for the Period Beginning July 1, 1927, and Ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed for the year beginning July 1, 1927, and ending June 30, 1928.

GOVERNOR.

For the operation and maintenance of the Governor's office as follows:

(1) For Salaries, Twelve Thousand Five Hundred Dollars\$ 12,500.00

The same being more particularly itemized as follows:

Salary of Governor, Seven Thousand Five Hundred Dollars\$ 7,500.00
Salary of Acting Governor, Five Hundred Dollars.....\$ 500.00
Salary of Governor's Secretary, Three Thousand Dollars..\$ 3,000.00
Salary of Stenographer, Fifteen Hundred Dollars.....\$ 1,500.00

(2) For Capital, Repairs and Replacements, Two Hundred Dollars\$ 200.00

(3) For Requisition, Six Thousand Dollars.....\$ 6,000.00

(4) For operation and maintenance of the Governor's office, One Thousand Eight Hundred Dollars.....\$ 1,800.00

(5) For operation and maintenance of the Governor's mansion, Three Thousand Four Hundred Twenty Dollars\$ 3,420.00

ATTORNEY GENERAL.

For the operation and maintenance of the Attorney General's office as follows:

(1) For Salaries, Twenty-three Thousand Three Hundred Twenty Dollars\$ 23,320.00

The same being more particularly itemized as follows:

Salary of Attorney General, Four Thousand Five Hundred Dollars\$ 4,500.00
Salaries of Assistant Attorney Generals, Twelve Thousand Six Hundred Dollars.....\$ 12,600.00

TWENTIETH LEGISLATIVE ASSEMBLY

Salary of Law Clerk, Twenty-one Hundred Dollars.....	\$ 2,100.00
Salary of other Employees, Four Thousand One Hundred Twenty Dollars	\$ 4,120.00
(2) For Capital, Repairs and Replacements, Three Hundred Dollars	\$ 300.00
(3) For Other Operating Expenses, Three Thou- sand Two Hundred Twenty-five Dollars.....	\$ 3,225.00

FARM LOAN DEPARTMENT.

(1) For Salaries, Seven Thousand Five Hundred Dol- lars	\$ 7,500.00
The same being more particularly itemized as follows:	
Salary of Special Assistant Attorney General, Three Thousand Dollars	\$ 3,000.00
Salary of Special Field Man, Two Thousand Dollars.....	\$ 2,000.00
Salary of Other Employees, Two Thousand Five Hun- dred Dollars	\$ 2,500.00
(2) For Other Operating Expenses, Five Hundred Dollars	\$ 500.00

STATE TREASURER.

For the operation and maintenance of the Treasurer's Office as follows:

(1) For Salaries, Fourteen Thousand Seven Hundred Dollars	\$ 14,700.00
The same being more particularly itemized as follows:	
Salary of Treasurer, Four Thousand Two Hundred Dol- lars	\$ 4,200.00
Salary of Deputy Treasurer, Three Thousand Dollars.....	\$ 3,000.00
Salary of Chief Clerk, Two Thousand Seven Hundred Dollars	\$ 2,700.00
Salary of Other Employees, Four Thousand Eight Hun- dred Dollars	\$ 4,800.00
(2) For Capital, Repairs and Replacements, Three Hundred Eighty-three Dollars	\$ 383.00
(3) For Other Operating Expenses, Two Thousand Five Hundred Dollars	\$ 2,500.00
(4) For printing Treasurer's Report, Two Thousand Dollars	\$ 2,000.00

STATE AUDITOR.

For the operation and maintenance of the State Auditor's office as follows:

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(1) For Salaries, Twelve Thousand Six Hundred Dollars\$ 12,600.00

The same being more particularly itemized as follows:

Salary of State Auditor, Three Thousand Six Hundred Dollars\$ 3,600.00

Salary of Deputy Auditor, Three Thousand Dollars.....\$ 3,000.00

Other Salaries, Six Thousand Dollars.....\$ 6,000.00

(2) For Capital, Repairs and Replacements, Three Hundred Seventy-five Dollars\$ 375.00

(3) For Other Operating Expenses for the State Auditor's Department, One Thousand One Hundred Twenty Dollars\$ 1,120.00

INSURANCE DEPARTMENT.

(1) For Salaries, Ten Thousand Three Hundred Dollars\$ 10,300.00

The same being more particularly itemized as follows:

Salary of Insurance Commissioner, Six Hundred Dollars..\$ 600.00

Salary of Deputy Commissioner, Three Thousand Dollars..\$ 3,000.00

Salary of Other Employees, Five Thousand Five Hundred Dollars\$ 5,500.00

Salary of Actuary, One Thousand Two Hundred Dollars..\$ 1,200.00

(2) For Other Operating Expenses for the Insurance Department, Three Thousand Five Hundred Thirty-Six Dollars\$ 3,536.00

(3) For the payment of the distribution of the Firemen's Disability Fund, as provided in Section 5127 of the Revised Codes of Montana an appropriation sufficient to meet the requirements as provided by law.

Investment Department, Five Hundred Dollars.....\$ 500.00

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For the operation and maintenance of the office of Superintendent of Public Instruction, as follows:

(1) For Salaries, Ten Thousand One Hundred Twenty Dollars\$ 10,120.00

The same being more particularly itemized as follows:

Salary of Superintendent, Three Thousand Six Hundred Dollars\$ 3,600.00

Salary of Deputy Superintendent, Two Thousand Five Hundred Dollars\$ 2,500.00

TWENTIETH LEGISLATIVE ASSEMBLY

Salary of Stenographers, Two Thousand Five Hundred Twenty Dollars	\$ 2,520.00
Salary of Clerk, Fifteen Hundred Dollars.....	\$ 1,500.00

(2) For Capital, Repairs and Replacements, One Hundred Fifty Dollars	\$ 150.00
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(3) For operating expense of the superintendent's office and for salaries of High School Inspector and for salaries of Rural School Inspectors and for traveling ex- penses the sum of Seventeen Thousand, Seven Hundred Thirty Dollars	\$ 17,730.00
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SECRETARY OF STATE.

For the operation and maintenance of the office of the Secretary of State, as follows:

(1) For Salaries, Twelve Thousand Nine Hundred Dollars	\$ 12,900.00
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The same being more particularly itemized as follows:

Salary of Secretary of State, Four Thousand Two Hun- dred Dollars	\$ 4,200.00
Salary of Chief Deputy, Three Thousand Dollars.....	\$ 3,000.00
Salary of Other Employees, Five Thousand Seven Hun- dred Dollars	\$ 5,700.00

(2) For Capital, Repairs and Replacements, One Hun- dred Thirty-five Dollars	\$ 135.00
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(3) For Other Operating Expenses, Eleven Hundred Twenty-five Dollars	\$ 1,125.00
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Section 2. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed for the year beginning July 1, 1928 and ending June 30, 1929.

GOVERNOR.

For the operation and maintenance of the Governor's office as follows:

(1) For Salaries, Twelve Thousand Five Hundred Dollars	\$ 12,500.00
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The same being more particularly itemized as follows:

Salary of Governor, Seven Thousand Five Hundred Dol- lars	\$ 7,500.00
Salary of Acting Governor, Five Hundred Dollars.....	\$ 500.00
Salary of Governor's Secretary, Three Thousand Dollars..	\$ 3,000.00
Salary of Stenographer, Fifteen Hundred Dollars.....	\$ 1,500.00

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(2) For Capital, Repairs and Replacement, Two Hundred Dollars	\$ 200.00
(3) For Requisition, Six Thousand Dollars.....	\$ 6,000.00
(4) For Operation and Maintenance of the Governor's office, One Thousand Eight Hundred Dollars.....	\$ 1,800.00
(5) For operation and maintenance of the Governor's Mansion, Three Thousand Four Hundred Twenty Dollars	\$ 3,420.00

ATTORNEY GENERAL.

For the operation and maintenance of the Attorney General's office as follows:

(1) For Salaries, Twenty-three Thousand Three Hundred Twenty Dollars	\$ 23,320.00
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The same being more particularly itemized as follows:

Salary of Attorney General, Four Thousand Five Hundred Dollars	\$ 4,500.00
Salaries of Assistant Attorney Generals, Twelve Thousand Six Hundred Dollars	\$ 12,600.00
Salary of Law Clerk, Twenty-one Hundred Dollars.....	\$ 2,100.00
Salary of Other Employees, Four Thousand One Hundred Twenty Dollars	\$ 4,120.00

(2) For Capital, Repairs and Replacements, Three Hundred Dollars	\$ 300.00
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(3) For Other Operating Expenses, Three Thousand Two Hundred Twenty-five Dollars.....	\$ 3,225.00
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(4) For Printing Attorney General's Opinions and Reports, Two Thousand Dollars	\$ 2,000.00
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FARM LOAN DEPARTMENT.

(1) For Salaries, Seven Thousand Five Hundred Dollars	\$ 7,500.00
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The same being more particularly itemized as follows:

Salary of Special Assistant Attorney General, Three Thousand Dollars	\$ 3,000.00
Salary of Special Field Man, Two Thousand Dollars.....	\$ 2,000.00
Salary of Other Employees, Two Thousand Five Hundred Dollars	\$ 2,500.00

(2) For Other Operating Expensen, Five Hundred Dollars	\$ 500.00
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STATE TREASURER.

For the operation and maintenance of the Treasurer's office as follows:

TWENTIETH LEGISLATIVE ASSEMBLY

(1) For Salaries, Fourteen Thousand Seven Hundred Dollars	\$ 14,700.00
The same being more particularly itemized as follows:	
Salary of Treasurer, Four Thousand Two Hundred Dollars	\$ 4,200.00
Salary of Deputy Treasurer, Three Thousand Dollars.....	\$ 3,000.00
Salary of Chief Clerk, Two Thousand Seven Hundred Dollars	\$ 2,700.00
Salaries of Other Employees, Four Thousand Eight Hundred Dollars	\$ 4,800.00
(2) For Capital, Repairs and Replacements, Three Hundred Eighty-three Dollars	383.00
(3) For Other Operating Expenses, Two Thousand Five Hundred Dollars	\$ 2,500.00
(4) For printing Treasurer's Report, Two Thousand Dollars	\$ 2,000.00
STATE AUDITOR.	

For the operation and maintenance of the State Auditor's office as follows:

(1) For Salaries, Twelve Thousand Six Hundred Dollars	\$ 12,600.00
The same being more particularly itemized as follows:	
Salary of State Auditor, Three Thousand Six Hundred Dollars	\$ 3,600.00
Salary of Deputy Auditor, Three Thousand Dollars.....	\$ 3,000.00
Other Salaries, Six Thousand Dollars.....	\$ 6,000.00
(2) For Capital, Repairs and Replacements, One Hundred Twenty-five Dollars	\$ 125.00
(3) For Other Operating Expenses for the State Auditor's Department, One Thousand One Hundred Twenty Dollars	\$ 1,120.00

INSURANCE DEPARTMENT.

(1) For Salaries, Ten Thousand Three Hundred Dollars	\$ 10,300.00
The same being more particularly itemized as follows:	
Salary of Insurance Commissioner, Six Hundred Dollars..	\$ 600.00
Salary of Deputy Commissioner, Three Thousand Dollars	\$ 3,000.00
Salary of Other Employees, Five Thousand Five Hundred Dollars	\$ 5,500.00
Salary of Actuary, One Thousand Two Hundred Dollars..	\$ 1,200.00

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(2) For Other Operating Expenses for the Insurance Department, Three Thousand Five Hundred Thirty-six Dollars\$ 3,536.00

(3) For the payment of the distribution of the Fireman's Disability Fund, as provided in Section 5127 of the Revised Codes of Montana, an appropriation sufficient to meet the Requirements as provided by law.
Investment Department, Five Hundred Dollars.....\$ 500.00

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For the operation and maintenance of the office of Superintendent of Public Instruction, as follows:

(1) For Salaries, Ten Thousand One Hundred Twenty Dollars\$ 10,120.00

The same being more particularly itemized as follows:
Salary of Superintendent, Three Thousand Six Hundred Dollars\$ 3,600.00
Salary of Deputy Superintendent, Two Thousand Five Hundred Dollars\$ 2,500.00
Salary of Stenographers, Two Thousand Five Hundred Twenty Dollars\$ 2,520.00
Salary of Clerk, Fifteen Hundred Dollars.....\$ 1,500.00

(2) For Capital, Repairs and Replacements, Seventy-five Dollars\$ 75.00

(3) For operating expense of the superintendent's office and for salaries of High School Inspector and for salaries of Rural School Inspectors and for travelling expenses the sum of Seventeen Thousand Seven Hundred Thirty Dollars\$ 17,730.00

SECRETARY OF STATE.

For the operation and maintenance of the office of the Secretary of State, as follows:

(1) For Salaries, Twelve Thousand Nine Hundred Dollars\$ 12,900.00

The same being more particularly itemized as follows:
Salary of Secretary of State, Four Thousand Two Hundred Dollars\$ 4,200.00
Salary of Chief Deputy, Three Thousand Dollars.....\$ 3,000.00
Salary of Other Employees, Five Thousand Seven Hundred Dollars\$ 5,700.00

(2) For Capital, Repairs and Replacements, One Hundred Thirty-five Dollars\$ 135.00

TWENTIETH LEGISLATIVE ASSEMBLY

(3) For Other Operation Expenses, Eleven Hundred
Twenty-five Dollars\$ 1,125.00

(4) For Election Expenses, Publishing Constitutional
Amendments, Initiative and Referendum Measures,
Seven Thousand Five Hundred Dollars\$ 7,500.00

Section 3. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1927.

HOUSE BILL NO. 65.

An Act to Appropriate Funds for the Payment of a Claim of Frank R. Baney for Expense Incurred in Defense of An Action Against Him As Sheriff of Lincoln County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred Thirty-five Dollars (\$235.00) or so much thereof as may be necessary, be, and the same is hereby appropriated for the purpose of reimbursing Frank R. Baney for expense incurred by the said Frank R. Baney, as sheriff of Lincoln County, in defending a law suit instituted against him as sheriff of Lincoln County, said claim having been approved by the State Board of Examiners.

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1927.

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HOUSE BILL NO. 66.

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising From the Operation of Various State Departments, Commissions and Institutions During Years Prior to and Closing With June 30, 1925.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the following deficiency claims for obligations incurred in the operation of various departments, commissions and institutions of the State of Montana prior to June 30, 1925, and for which no appropriation now exists.

For obligations incurred by the Montana State Engineer,
Four Hundred Fifty-three and 89/100 Dollars.....\$ 453.89

more particularly itemized as follows:

A. H. Tuttle, One Hundred Forty-one and
82/100 Dollars\$141.82

W. A. Lamb, Two Hundred Twenty-one and
37/100 Dollars\$221.37

A. H. Tuttle, Ninety and 70/100 Dollars.....\$ 90.70

For obligations incurred by the Superintendent of Public Instruction of Montana for normal training in High Schools,

One Thousand Seven Hundred Fifty Dollars.....\$ 1,750.00

more particularly itemized as follows:

Flathead County High School, Eight Hundred
Fifty Dollars\$850.00

Teton County High School, Four Hundred Fifty
Dollars\$450.00

Thompson Falls High School, Four Hundred
Fifty Dollars\$450.00

For obligations incurred by the Montana State Prison,
Thirty-seven and 30/100 Dollars\$ 37.30

more particularly itemized as follows:

Deer Lodge Valley Farmers Elevator Company,
Thirty-seven and 30/100 Dollars\$ 37.30

For obligations incurred in the operation of the Orthopedic Commission,

One Hundred Ten Dollars\$ 110.00

more particularly itemized as follows:

Dr. E. M. Porter, One Hundred Ten Dollars.....\$110.00

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For obligations incurred by the Montana State School of Mines,
Thirty-seven and 87/100 Dollars\$ 37.87

more particularly itemized as follows:

Northwestern Improvement Company, Thirty-
seven and 87/100\$ 37.87

For obligations incurred in connection with transportation of
prisoners, Two Hundred Thirty-one 67/100 Dollars.....\$ 231.67

more particularly itemized as follows:

Dawson County, Eighty-five and 19/100 Dollars..\$ 85.19

Estate of Russel Sage, Seventy-nine and 06/100
Dollars\$ 79.06

Judith Basin County, Forty-six and 39/100 Dol-
lars\$ 46.39

D. F. Mooney, Twenty-one and 03/100 Dollars.....\$ 21.03

For obligations incurred by District Judge George B. Winston,
Three and 50/100\$ 3.50

For obligations incurred in the requisition of prisoners,
Three Hundred Ninety-nine and 47/100 Dollars.....\$ 399.47

more particularly itemized as follows:

Sheriff James Smith, Seventy-five and 78/100
Dollars\$ 75.78

Sheriff James Smith, One Hundred Seventeen
and 31/100 Dollars\$117.31

Dawson County, Two Hundred Six and 38/100
Dollars\$206.38

For obligations incurred for attorneys' fees for defense of
escaped prisoners by Powell County,
Three Hundred Fifty Dollars\$ 350.00

For obligations incurred in connection with operation of Mon-
tana State Normal College,
Eighteen Dollars\$ 18.00

more particularly itemized as follows:

George B. Cluley, Eighteen Dollars.....\$ 18.00

Section 2. This Act shall be in full force and effect from and
after its passage and approval.

Section 3. Appropriations herein above provided for shall be
deemed and held valid notwithstanding the provisions of the
Budget Act.

Approved March 12, 1927.

SESSION LAWS

HOUSE BILL NO. 67.

An Act Appropriating Money for the Payment of a Deficiency Claim of H. J. Hammill for Labor and Materials Furnished in the Erection and Construction and Repair of Buildings and Structures at the Montana State Normal College at Dillon.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Three Hundred Eighty Dollars (\$2,380.00) or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of reimbursing H. J. Hammill for labor and materials furnished in the erection, construction and repair of certain buildings and structures at the Montana State Normal College at Dillon, said claim having been approved by the State Board of Examiners.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Section 3. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved February 25, 1927.

HOUSE BILL NO. 68.

An Act to Appropriate Funds for the Payment of Claims Due to the Industrial Accident Board of the State of Montana, As Assessments Against Certain State Institutions From January 1st to June 30th, 1925.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eight Hundred Thirteen and 37/100 Dollars (\$813.37), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the following claims for assessments due to the Industrial Accident Board of the State of Montana by various state institutions for the period January 1st to June 30th, 1925, and for which no appropriation now exists, more particularly itemized as follows:

Montana State University, Two Hundred Twenty-two and 89/100 Dollars	\$222.89
Montana State Soldier's Home, Seventy-six and 71/100 Dollars	\$ 76.71

TWENTIETH LEGISLATIVE ASSEMBLY

Montana State Orphan's Home, Ninety-four and 64/100 Dollars	\$ 94.64
Montana State Normal College, Thirty-seven and 06/100 Dollars	\$ 37.06
Montana State School of Mines, Thirty-seven and 40/100 Dollars	\$ 37.40
Montana State Industrial School, Ninety-nine and 74/100 Dollars	\$ 99.74
Montana State College, Thirty-three and 01/100 Dollars.....	\$ 33.01
Montana State Tuberculosis Sanitarium, One Hundred sixty- eight and 21/100 Dollars	\$168.21
Montana State Experimental Station, Forty-three and 71/100 Dollars	\$ 43.71

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved February 15, 1927.

HOUSE BILL NO. 77.

An Act to appropriate Money From the Industrial Accident Fund of the State of Montana for the Payment of the Claim of Martha B. Williams, Which Claim Was Disallowed by the Industrial Accident Board Because It Was Not Presented Within Six Months From the Date of the Happening of the Accident.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Thousand Dollars (\$6,000.00) is hereby appropriated out of any moneys in the Industrial Accident Fund of the State of Montana for payment of the claim of Martha B. Williams of Stillwater County, Montana, which claim was not presented within six (6) months from the date of the happening of the accident. And in addition thereto there is hereby appropriated from said fund the sum of One Hundred Fifty Dollars (\$150.00) for burial expenses; provided, however, that before said money shall be paid to said Martha B. Williams that the said Industrial Accident Board shall investigate and determine the validity of said claim and if said board shall find that said claim of said Martha B. Williams would have been a just and valid claim in the sum of

SESSION LAWS

Six Thousand Dollars (\$6,000.00) or any less amount, had the same been presented in time, then, the said board is hereby authorized and empowered to pay such amount as said board shall allow, not to exceed Six Thousand Dollars (\$6,000.00).

Section 2. The Industrial Accident Board is hereby authorized to pay out of the Industrial Accident Fund to the said Martha B. Williams the said sum, in the following manner, to-wit: At the rate of Fifteen Dollars (\$15.00) per week for a period of four hundred (400) weeks, plus an additional sum of One Hundred Fifty Dollars (\$150.00) for burial expenses from the Industrial Accident Fund for compensation by reason of the death of her husband, Hugh D. Williams, killed in the course of his employment as a deputy sheriff of Stillwater County, Montana.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1927.

HOUSE BILL NO. 80.

An Act Appropriating Money for the Operation and Maintenance of the State Apiary Inspection Service in Connection With and Under the Direction of the State Department of Agriculture of Montana, for the Period of Two Years.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated, for the payment of salaries, supplies and general expenses in connection with the operation and maintenance of the Apicultural Division of the Department of Agriculture, Labor and Industry: The sum of Five Thousand Dollars (\$5,000.00), for the period beginning July 1st, 1927, and ending June 30th, 1928.

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated, for the payment of salaries, supplies and general expenses in connection with the operation and maintenance of the Apicultural Division of the Department of Agriculture, Labor and Industry: The sum of Five Thousand Dollars (\$5,000.00), for the period beginning July 1st, 1928, and ending June 30th, 1929.

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Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 15, 1927.

HOUSE BILL NO. 87.

An Act Appropriating Money for the Operation and Improvements of the Montana State Fair for the Period Beginning July 1, 1927, and Ending June 30, 1929, and Directing the Disposition of Moneys Arising From the Operation of the Montana State Fair.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All fees and earnings of the Montana State Fair, from whatsoever source they may be derived, are hereby annually and perpetually appropriated for the use of said Montana State Fair. All sums of every nature collected, received or arising from the operation of the Montana State Fair shall be turned over to the State Treasurer of the State of Montana, and placed by him in a special fund to be known and designated "State Fair Revolving Appropriation Account." Said fund is hereby exclusively set apart and made available for the payment of all expenses, fees and expenditures of said Montana State Fair of every nature whatsoever, and said fund shall be expended, for any and all purposes, by the legally authorized management of said State Fair, subject to the audit of the State Board of Examiners.

Section 2. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of salaries, premiums and other expenses of the Montana State Fair for the year beginning July 1, 1927, and ending June 30, 1928, Thirty-five Thousand Dollars (\$35,000.00). That the sum of Fifteen Thousand Dollars (\$15,000.00) shall be and the same is hereby set aside for the purpose of the payment of premiums on livestock, agricultural exhibits and such other exhibits as the State Fair Board shall designate, and that the said sum of Fifteen Thousand Dollars (\$15,000.00) shall be used for no other purpose. That the sum of Twenty Thousand Dollars (\$20,000.00) shall be used for the purpose of maintenance, operation and other expenses of the Montana State Fair, and shall be used for no other purpose.

That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of repairs and improvements on the grounds and buildings of the Mon-

SESSION LAWS

tana State Fair for the year beginning July 1, 1927, and ending June 30, 1928, Five Thousand Dollars (\$5,000.00).

Section 3. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the payment of salaries, premiums and other expenses of the Montana State Fair for the year beginning July 1, 1928, and ending June 30, 1929, Thirty-five Thousand Dollars (\$35,000.00). That the sum of Fifteen Thousand Dollars (\$15,000.00) shall be and the same is hereby set aside for the purpose of the payment of premiums on livestock, agricultural exhibits and such other exhibits as the State Fair Board shall designate, and that the said sum of Fifteen Thousand Dollars (\$15,000.00) shall be used for no other purpose. That the sum of Twenty Thousand Dollars (\$20,000.00) shall be used for the purpose of maintenance, operation and other expenses of the Montana State Fair, and shall be used for no other purpose.

That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the payment of repairs and improvements on the grounds and buildings of the Montana State Fair for the year beginning July 1, 1928, and ending June 30, 1929, Five Thousand Dollars (\$5,000.00).

Section 4. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

STATE OF MONTANA OFFICE OF THE GOVERNOR

Helena, March 16, 1927.

HON. R. N. HAWKINS,

Secretary of State, Helena, Montana.

Dear Sir: I am transmitting herewith House Bill No. 87, an Act appropriating money for the operation and improvements of the Montana State Fair for the period beginning July 1, 1927, and ending June 30, 1929, and directing the disposition of moneys arising from the operation of the Montana State Fair, with my approval, except the item and paragraph in this bill appropriating \$5,000.00 for the payment of repairs and improvements on the grounds and buildings of the Montana State Fair for the year beginning July 1, 1927, and ending June 30, 1928; and the particular item and paragraph providing for the appropriation of \$5,000.00 out of moneys in the State Treasury for the payment of repairs and improvements

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on the grounds and buildings of the Montana State Fair for the year beginning July 1, 1928, and ending June 30, 1929. These items and paragraphs in said bill are disapproved.

I am vetoing these items because I believe that the said sums are not essential for the successful operation and conduct of the State Fair. Recently the sum of \$4000.00 has been expended in repairs and improvements on the grounds, and the present condition of the buildings and grounds is such that the expenditure of said sums provided for in this bill is not necessary or justified. The condition of the State finances are such as to make every curtailment of expenditures from the general fund necessary and expedient, and for these reasons I withhold my approval of these two paragraphs, and items in the bill and approve of all other portions thereof, including the appropriation of \$35,000.00 for each year of the coming biennium for conducting and maintaining the said State Fair.

Respectfully submitted,

J. E. ERICKSON, Governor.

HOUSE BILL NO. 88.

An Act Appropriating Money for the Operation and Maintenance of Certain of the Boards, Commissions and Departments of the State of Montana for the period Beginning July 1, 1927, and ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes herein-after stated for the year beginning July 1, 1927, and ending June 30, 1928.

CAPITOL BUILDING:

For the operation and maintenance of the Capitol Building as follows:

(1) For Salaries, Twenty-seven Thousand Dollars.....	\$27,000.00
The same being more particularly itemized as follows:	
Salary of Custodian, Two Thousand Dollars....	\$ 2,000.00
Salary of Janitors, Fifteen Thousand Dollars	\$15,000.00

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Salary of Postmaster, One Thousand Five Hundred Dollars	\$ 1,500.00
Salaries of Engineers, Four Thousand Three Hundred Dollars	\$ 4,300.00
Salaries of Other Employees, Four Thousand Two Hundred Dollars	\$ 4,200.00
(2) For Capitol, Repairs and Replacements, Six Thousand Dollars	\$ 6,000.00
The same being more particularly itemized as follows:	
For painting Capitol Building and putting new roof on Livestock Building, Four Thou- sand Dollars	\$ 4,000.00
For Other Repairs and Replacements, Two Thousand Dollars	\$ 2,000.00
(3) For Other Operating Expenses, Twelve Thousand One Hun- dred Twenty-five Dollars	\$12,125.00

TEXT BOOK COMMISSION.

For the payment of expenses in the operation and maintenance of the Text Book Commission, Nine Hun- dred Dollars	\$ 900.00
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BOARD OF EDUCATION.

For the payment of expenses of the State Board of Edu- cation, Five Hundred Dollars	\$ 500.00
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VOCATIONAL EDUCATION.

For the payment of salaries, supplies and other operat- ing expenses in connection with Vocational Educa- tion, Fourteen Thousand Four Hundred Dollars.....	\$14,400.00
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G. A. R. CUSTODIAN.

For the payment of salary of the G. A. R. Custodian, One Thousand Eighty Dollars	\$ 1,080.00
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PURCHASING AGENT.

For the operation and maintenance of the office of the
Purchasing Agent as follows:

(1) For Salaries, Twelve Thousand Four Hundred Seventy Dollars	\$12,470.00
The same being more particularly itemized as follows:	
Salary of Purchasing Agent, Five Thousand Dollars	\$ 5,000.00
Salary of Chief Clerk, Two Thousand Four Hundred Dollars	\$ 2,400.00

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Salary of Clerks and Stenographers, Three Thousand Two Hundred Seventy Dollars.....	\$ 3,270.00
Salary of Accountant, One Thousand Eight Hundred Dollars	\$ 1,800.00
(2) For Capitol, Repairs and Replacements, One Hun- dred Twenty Dollars	\$ 120.00
(3) For Other Operating Expenses, Two Thousand Four Hundred Ten Dollars.....	\$ 2,410.00

HISTORICAL SOCIETY.

For the operation and maintenance of the Historical Society as follows:

(1) For Salaries, Four Thousand Two Hundred Dol- lars	\$ 4,200.00
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The same being more particularly itemized as follows:

Salary of Librarian, Two Thousand Four Hundred Dollars	\$ 2,400.00
Salary of Office Assistants, One Thousand Eight Hundred Dollars	\$ 1,800.00
(2) For Capitol, Repairs and Replacements, Two Hun- dred Seventy-five Dollars.....	\$ 275.00
(3) For Other Operating Expenses, Six Hundred Twenty-five Dollars	\$ 625.00
(4) Binding Newspapers and Periodicals, One Thou- sand Two Hundred Twenty-five Dollars.....	\$ 1,225.00

STATE ENGINEER.

For the operation and maintenance of the office of the State En-
gineer as follows:

(1) For Salaries, Four Thousand Two Hundred Dol- lars	\$ 4,200.00
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The same being more particularly itemized as follows:

Salary of State Engineer, Three Thousand Dollars	\$ 3000.00
Salary of Other Employees, One Thousand Two Hundred Dollars	\$ 1,200.00
(2) For Capitol, Repairs and Replacements, One Hun- dred Eighty Dollars	\$ 180.00
(3) For Other Operating Expenses, Five Hundred Twenty Dollars	\$ 520.00

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- (4) For Stream Gauging Work, Funds to be Expended in Cooperation with and under the Direction of the Water Resources Branch of the United States Geological Survey, Six Thousand One Hundred Dollars.....\$ 6,100.00

In Addition thereto not to Exceed Two Thousand Dollars (\$2,000) from the Carey Land Act Fund to be Expended as follows:

- (1) Salary Assistant Secretary, One Thousand Two Hundred Dollars\$ 1,200.00
(2) Other Expenses, Eight Hundred Dollars.....\$ 800.00

STATE LAW LIBRARY.

For the operation and maintenance of the State Law Library as follows:

- (1) For Salaries, Four Thousand Dollars.....\$ 4,000.00

The same being more particularly itemized as follows:

Salary of Librarian, Two Thousand and Five Hundred Dollars\$ 2,500.00

Salary of Office Assistant, One Thousand Five Hundred Dollars\$ 1,500.00

- (2) For the payment of Reference Books for the Law Library, Two Thousand Five Hundred Dollars.....\$ 2,500.00

- (3) For Other Capitol, Repairs and Replacements, One Hundred Fifty Dollars\$ 150.00

- (4) For Other Operating Expenses, Three Hundred Fifty Dollars\$ 350.00

ADJUTANT GENERAL.

For the operation and maintenance of the office of Adjutant General as follows:

- (1) For Salaries, Seven Thousand Eight Hundred Dollars\$ 7,800.00

The same being more particularly itemized as follows:

Salary of Adjutant General, Three Thousand Dollars\$ 3,000.00

Salary of Other Employees, Four Thousand Eight Hundred Dollars\$ 4,800.00

- (2) For Capitol, Repairs and Replacements, One Hundred Twenty-five Dollars\$ 125.00

- (3) For General Expenses, Eighteen Thousand Seventy-five Dollars\$18,075.00

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- Section 2. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes herein-after stated for the year beginning July 1, 1928 and ending June 30, 1929.

CAPITOL BUILDING.

For the operation and maintenance of the Capitol Building as follows:

- | | |
|---|-------------|
| (1) For Salaries, Twenty Seven Thousand Dollars..... | \$27,000.00 |
| The same being more particularly itemized as follows: | |
| Salary of Custodian, Two Thousand Dollars.... | \$ 2,000.00 |
| Salaries of Janitors, Fifteen Thousand Dol-
lars | \$15,000.00 |
| Salary of Postmaster, One Thousand Five
Hundred Dollars | \$ 1,500.00 |
| Salaries of Engineers, Four Thousand Three
Hundred Dollars | \$ 4,300.00 |
| Salaries of Other Employees, Four Thousand
Two Hundred Dollars | \$ 4,200.00 |
| (2) For Capitol, Repairs and Replacements, Two Thou-
said Three Hundred Forty Dollars..... | \$ 2,340.00 |
| (3) For Other Operating Expenses, Thirteen Thou-
sand Four Hundred Fifty Dollars | \$13,450.00 |

BOARD OF EDUCATION.

For the payment of expenses of the State Board of Edu-
cation, Five Hundred Dollars\$ 500.00

VOCATIONAL EDUCATION.

For the payment of salaries, supplies and other operat-
ing expenses in connection with Vocational Educa-
tion, Fourteen Thousand Four Hundred Dollars.....\$14,400.00

G. A. R. CUSTODIAN.

For the payment of salary of the G. A. R. Custodian,
One Thousand Eighty Dollars\$ 1,080.00

PURCHASING AGENT.

For the operation and maintenance of the office of the Purchas-
ing Agent as follows:

- | | |
|---|-------------|
| (1) For Salaries, Twelve Thousand Four Hundred Seventy Dol-
lars | \$12,470.00 |
|---|-------------|

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The same being more particularly itemized as follows:

Salary of Purchasing Agent, Five Thousand Dollars	\$ 5,000.00
Salary of Chief Clerk, Two Thousand Four Hundred Dollars	\$ 2,400.00
Salary of Clerks and Stenographers, Three Thousand Two Hundred Seventy Dollars.....	\$ 3,270.00
Salary of Accountant, One Thousand Eight Hundred Dollars	\$ 1,800.00
(2) For Capitol, Repairs and Replacements, One Hundred Twenty Dollars	\$ 120.00
(3) For Other Operating Expenses, Two Thousand Four Hundred Ten Dollars	\$ 2,410.00

HISTORICAL SOCIETY.

For the operation and maintenance of the Historical Society as follows:

(1) For Salaries, Four Thousand Two Hundred Dollars	\$ 4,200.00
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The same being more particularly itemized as follows:

Salary of Librarian, Two Thousand Four Hundred Dollars	\$ 2,400.00
Salary of Office Assistants, One Thousand Eight Hundred Dollars	\$ 1,800.00
(2) For Capitol, Repairs and Replacements, Two Hundred Seventy-five Dollars.....	\$ 275.00
(3) For Other Operating Expenses, Six Hundred Twenty-five Dollars	\$ 625.00
(4) Binding Newspapers and Periodicals, One Thousand Two Hundred Twenty-five Dollars.....	\$ 1,225.00

STATE ENGINEER.

For the operation and maintenance of the office of the State Engineer as follows:

(1) For Salaries, Four Thousand Two Hundred Dollars	\$ 4,200.00
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The same being more particularly itemized as follows:

Salary of State Engineer, Three Thousand Dollars	\$ 3,000.00
Salary of Other Employees, One Thousand Two Hundred Dollars	\$ 1,200.00
(2) For Capitol, Repairs and Replacements, One Hundred Eighty Dollars	\$ 180.00

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- (3) For Other Operating Expenses, Five Hundred Twenty Dollars\$ 520.00
- (4) For Stream Gauging Work, Funds to be Expended in Cooperation with and under the Direction of the Water Resources Branch of the United States Geological Survey, Six Thousand One Hundred Dollars.....\$ 6,100.00
- In Addition thereto not to Exceed \$2,000.00 from the Carey Land Act Fund to be expended as follows:
- (1) Salary Assistant Secretary, One Thousand Two Hundred Dollars\$ 1,200.00
- (2) Other Expenses, Eight Hundred Dollars\$ 800.00

STATE LAW LIBRARY.

For the operation and maintenance of the State Law Library as follows:

- (1) For Salaries, Four Thousand Dollars.....\$ 4,000.00
- The same being more particularly itemized as follows:
- Salary of Librarian, Two Thousand Five Hundred Dollars\$ 2,500.00
- Salary of Office Assistant, One Thousand Five Hundred Dollars\$ 1,500.00
- (2) For the payment of Reference Books for the Law Library, Two Thousand Five Hundred Dollars.....\$ 2,500.00
- (3) For Other Capitol, Repairs and Replacements, One Hundred Fifty Dollars\$ 150.00
- (4) For Other Operating Expenses, Three Hundred Fifty Dollars\$ 350.00

ADJUTANT GENERAL.

For the operation and maintenance of the office of Adjutant General as follows:

- (1) For Salaries, Seven Thousand Eight Hundred Dollars\$ 7,800.00
- The same being more particularly itemized as follows:
- Salary of Adjutant General, Three Thousand Dollars\$ 3,000.00
- Salary of Other Employees, Four Thousand Eight Hundred Dollars\$ 4,800.00
- (2) For Capitol, Repairs and Replacements, One Hundred Twenty-five Dollars\$ 125.00
- (3) For General Expenses, Eighteen Thousand Seventy-five Dollars\$18,075.00

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Section 3. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1927.

HOUSE BILL NO. 103.

An Act Authorizing the Completion of a Certain Number of Pictures for the Law Library Under the Direction of the State Board of Examiners and Providing An Appropriation for Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners is hereby authorized and directed to order four (4) paintings of a certain size and character to match those pictures already in the Law Library from the artist, Mr. Ralph E. DeCamp, painter of the original pictures.

Section 2. The sum of Sixteen Hundred Dollars (\$1600.00), or so much thereof as may be necessary, is hereby appropriated, and the State Board of Examiners is authorized to make the necessary arrangements for these pictures and to pay for same.

Section 3. This Act shall be in full force on and after its passage and approval.

Approved February 21, 1927.

HOUSE BILL NO. 110.

An Act Appropriating Money for the Operation and Maintenance of Certain of the Boards, Commissions and Departments of the State of Montana for the Period Beginning July 1, 1927, and Ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any

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money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes hereinafter stated for the year beginning July 1, 1927, and ending June 30, 1928.

CHILD AND ANIMAL PROTECTION.

For the operation and maintenance of the office of Child and Animal Protection as follows:

(1) For Salaries, Ten Thousand Five Hundred Dollars. \$10,500.00

The same being more particularly itemized as follows:

Salary of Secretary, Two Thousand Five
Hundred Dollars\$ 2,500.00

Salary of Deputies, Six Thousand Five Hun-
dred Dollars\$ 6,500.00

Other Salaries, One Thousand Five Hundred
Dollars\$ 1,500.00

(2) For Capital, Repairs and Replacements, One Hun-
dred Dollars\$ 100.00

(3) For Other Operating Expenses, Three Thousand
Nine Hundred Dollars\$ 3,900.00

BOARD OF EQUALIZATION.

For the operation and maintenance of the Board of Equalization as follows:

(1) For Salaries, Thirty-six Thousand Four Hundred Twenty
Dollars\$36,420.00

The same being more particularly itemized as follows:

Salaries of Three Commissioners, Fifteen
Thousand Dollars\$15,000.00

Salary of Secretary, Three Thousand Six
Hundred Dollars\$ 3,600.00

Salary of Chief Clerk, Two Thousand Seven
Hundred Dollars\$ 2,700.00

Salary of Corporation License Tax Auditor,
Two Thousand Seven Hundred Dollars.....\$ 2,700.00

Salary of Inheritance Tax Council, Three
Thousand Dollars\$ 3,000.00

Salaries of Other Employees, Nine Thousand
Four Hundred Twenty Dollars.....\$ 9,420.00

(2) For Capital, Repairs and Replacements, One Thou-
sand Dollars\$ 1,000.00

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- (3) For Other Operating Expenses, Eight Thousand Five Hundred Eighty Dollars\$ 8,580.00

STATE EXAMINER.

For the operation and maintenance of the State Examiners' office as follows:

- (1) For Salaries, Thirty-four Thousand Seven Hundred Dollars\$34,700.00

The same being more particularly itemized as follows:

Salary of State Examiner, Five Thousand Dollars\$ 5,000.00

Salary of Deputies, Ten Thousand Eight Hundred Dollars\$10,800.00

Salary of Deputies, State Examiners, Twelve Thousand Nine Hundred Dollars.....\$12,900.00

Salaries of Others, Six Thousand Dollars.....\$ 6,000.00

- (2) For Capital, Repairs and Replacements, One Hundred Fifty Dollars\$ 150.00

- (3) For Other Operating Cost, Sixteen Thousand One Hundred Fifty Dollars\$16,150.00

NORMAL TRAINING IN HIGH SCHOOLS.

For the payment of reimbursements to become due High Schools for Salaries of Teachers engaged in said High School in connection with the work of Normal Training, Seventeen Thousand Five Hundred Dollars\$17,500.00

BOARD OF EXAMINERS.

For the operation and maintenance of the Board of Examiners' office as follows:

- (1) For Salaries, Eight Thousand One Hundred Dollars\$ 8,100.00

The same being more particularly itemized as follows:

Salary of Clerk, Three Thousand Dollars.....\$ 3,000.00

Salary of Assistant Clerk, Two Thousand Four Hundred Dollars\$ 2,400.00

Salary of Stenographers, Two Thousand Seven Hundred Dollars\$ 2,700.00

- (2) For Capital, Repairs and Replacements, Two Hundred Dollars\$ 200.00

- (3) For Other Operating Expenses, One Thousand Four Hundred Fifty Dollars\$ 1,450.00

- (4) For the printing of Books, as provided in Chapter 108 of the Laws of 1925, Seven Hundred Fifty Dollars\$ 750.00

TWENTIETH LEGISLATIVE ASSEMBLY

STATE LAND OFFICE.

For the operation and maintenance of the State Land Office as follows:

- (1) For Salaries, Twenty-one Thousand Dollars.....\$21,000.00
The same being more particularly itemized as follows:
Salary of Register, Three Thousand Six
Hundred Dollars\$ 3,600.00
Salary of Deputy Register, Two Thousand
Four Hundred Dollars\$ 2,400.00
Salary of Cashier and Other Salaries Fifteen
Thousand Dollars\$15,000.00
- (2) For Capital, Repairs and Replacements, One Hun-
dred Seventy-five Dollars\$.175.00
- (3) For Other Operating Expenses, Five Thousand
Dollars\$ 5,000.00
- (4) For Expenses of Compiling State Land Abstracts
and Records, Twenty-five Hundred Dollars.....\$ 2,500.00

LIVESTOCK COMMISSION.

For the payment of Salaries and Expenses of the Livestock Com-
mission, Twenty Thousand Dollars\$20,000.00

For the payment of Salaries and Expenses of the Live-
stock Commission to be paid from the Livestock Com-
mission Fund, so much thereof as may be available.

For the payment of Salary of one Clerk to the Livestock
Commission, to be paid from the Bounty Fund, One
Thousand Eight Hundred Dollars.....\$ 1,800.00

For the payment of Claims to be paid from the Bounty Fund, so
much thereof as may be necessary.

For the payment of Estray Claims, to be paid from the Estray
Fund, so much thereof as may be necessary.

BOARD OF CHARITIES AND REFORMS.

For the payment of per diem and expenses in the operation of
the State Board of Charities and Reforms, One Hundred Dol-
lars\$ 100.00

STATE LAND AGENT.

For the operation and maintenance of the State Land Agent's
office as follows:

- (1) For Salaries, Nine Thousand Seventy Dollars.....\$ 9,070.00
The same being more particularly itemized as follows:
Salary of Land Agent, Three Thousand Two
Hundred Fifty Dollars\$ 3,250.00
Salaries of Deputies, Five Thousand Eight
Hundred Twenty Dollars.....\$ 5,820.00

SESSION LAWS

- (2) For Other Operating Expenses, Eighty-one Hundred Dollars\$ 8,100.00

BOARD OF RAILROAD COMMISSIONERS.

For the operation and maintenance of the office of Railroad Commission as follows:

- (1) For Salaries, Thirty Thousand One Hundred Dollars\$30,100.00

The same being more particularly itemized as follows:

Salaries of Commissioners, Twelve Thousand Dollars\$12,000.00

Salaries of Secretary and Assistant Secretary, Six Thousand Six Hundred Dollars....\$ 6,600.00

Salary of Rate Expert, Three Thousand Dollars\$ 3,000.00

Salary of Inspector, Twenty-five Hundred Dollars\$ 2,500.00

Salary of Reporter, Three Thousand Dollars..\$ 3,000.00

Salary of Stenographers, Three Thousand Dollars\$ 3,000.00

- (2) For Other Operating Expenses, Forty-seven Hundred Dollars\$ 4,700.00

MOTOR VEHICLE DIVISION.

For the payment of salaries and other expenses of the Motor Vehicle Division of the Railroad Commission, Thirty-one Hundred Dollars\$ 3,100.00

PUBLIC SERVICE COMMISSION.

- (1) For Salaries, Eighty-one Hundred Dollars.....\$ 8,100.00
The same being more particularly itemized as follows:

Salary of Engineer, Three Thousand Six Hundred Dollars\$ 3,600.00

Salary of Assistant Engineer, One Thousand Eight Hundred Dollars\$ 1,800.00

Salary of Auditor, Twenty-seven Hundred Dollars\$ 2,700.00

- (2) For Other Operating Expenses, Twelve Hundred Dollars\$ 1,200.00

OIL AND GAS DIVISION.

- (1) For Salaries, Twelve Thousand Dollars.....\$12,000.00
The same being more particularly itemized as follows:

TWENTIETH LEGISLATIVE ASSEMBLY

Salary of Inspector, not to exceed Three
Thousand Three Hundred Dollars\$ 3,300.00

Salary of Three Field Men at Twenty-four
Hundred Dollars each, Seventy-two Hun-
dred Dollars\$ 7,200.00

Salary of Stenographer, Fifteen Hundred
Dollars\$ 1,500.00

(2) For Other Operating Expenses, Four Thousand
Seven Hundred Fifty Dollars.....\$ 4,750.00

TRADE COMMISSION.

(1) For Salary of Mill Expert, Three Thousand Dol-
lars\$ 3,000.00

(2) For Traveling Expenses, Five Hundred Dollars...\$ 500.00

VOCATIONAL REHABILITATION.

For the operation and maintenance of the Vocational Rehabilita-
tion Department as follows:

For payment out of the General Fund for the salaries and
expenses and payment of training expenses of the work of Voca-
tional Rehabilitation, Fifteen Thousand Dollars.....\$15,000.00

STATE ACCOUNTANT.

For the operation and maintenance of the State Accountant's
office as follows:

For the payment of salaries, supplies, travel and other expenses
of the State Accountant's office, Four Thousand Two Hundred
Dollars\$ 4,200.00

STATE BUDGET OFFICE.

For the operation and maintenance of the State Budget office as
follows:

(1) For Salaries, Five Thousand Nine Hundred Dol-
lars\$ 5,900.00

The same being more particularly itemized as follows:

Salary of Bookkeeper, Two Thousand Four
Hundred Dollars\$ 2,400.00

Salary of Assistant Bookkeeper, Two Thou-
sand Dollars\$ 2,000.00

Salary of Stenographer and Bookkeeper, One
Thousand Five Hundred Dollars.....\$ 1,500.00

(2) For Capital, Repairs and Réplacements, Three
Hundred Dollars\$ 300.00

(3) For Other Operating Expenses, One Thousand
Eight Hundred Dollars\$ 1,800.00

SESSION LAWS

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commission and for the objects and purposes hereinafter stated for the year beginning July 1, 1928, and ending June 30, 1929.

CHILD AND ANIMAL PROTECTION.

For the operation and maintenance of the office of Child and Animal Protection as follows:

(1) For Salaries, Ten Thousand Five Hundred Dollars..\$10,500.00

The same being more particularly itemized as follows:

Salary of Secretary, Two Thousand Five
Hundred Dollars\$ 2,500.00

Salary of Deputies, Six Thousand Five Hun-
dred Dollars\$ 6,500.00

Other Salaries, One Thousand Five Hundred
Dollars\$ 1,500.00

(2) For Capital, Repairs and Replacements, One Hun-
dred Dollars\$ 100.00

(3) For Other Operating Expenses, Three Thousand
Nine Hundred Dollars\$ 3,900.00

BOARD OF EQUALIZATION.

For the operation and maintenance of the Board of Equalization as follows:

(1) For Salaries, Thirty-six Thousand Four Hundred Twenty
Dollars\$36,420.00

The same being more particularly itemized as follows:

Salaries of Three Commissioners, Fifteen
Thousand Dollars\$15,000.00

Salary of Secretary, Three Thousand Six Hun-
dred Dollars\$ 3,600.00

Salary of Chief Clerk, Two Thousand Seven
Hundred Dollars\$ 2,700.00

Salary of Corporation License Tax Auditor,
Two Thousand Seven Hundred Dollars.....\$ 2,700.00

Salary of Inheritance Tax Council, Three
Thousand Dollars\$ 3,000.00

Salaries of Other Employees, Nine Thousand
Four Hundred Twenty Dollars.....\$ 9,420.00

(2) For Capital, Repairs and Replacements, Two Hun-
dred Fifty Dollars\$ 250.00

TWENTIETH LEGISLATIVE ASSEMBLY

- (3) For Other Operating Expenses, Eight Thousand
Five Hundred Eighty Dollars\$ 8,580.00

STATE EXAMINER.

For the operation and maintenance of the State Examiner's office
as follows:

- (1) For Salaries, Thirty-four Thousand Seven Hundred Dol-
lars\$34,700.00

The same being more particularly itemized as follows:

Salary of State Examiner, Five Thousand
Dollars\$ 5,000.00

Salary of Deputies, Ten Thousand Eight Hun-
dred Dollars\$10,800.00

Salary of Deputies, State Examiners, Twelve
Thousand Nine Hundred Dollars.....\$12,900.00

Salaries of Others, Six Thousand Dollars.....\$ 6,000.00

- (2) For Capital, Repairs and Replacements, One Hun-
dred Fifty Dollars\$ 150.00

- (3) For Other Operating Cost, Sixteen Thousand One
Hundred Fifty Dollars\$16,150.00

NORMAL TRAINING IN HIGH SCHOOL.

For the payment of reimbursements to become due High Schools
for Salaries of Teachers engaged in said High Schools in connection
with the work of Normal Training, Seventeen Thousand Five Hun-
dred Dollars\$17,500.00

BOARD OF EXAMINERS.

For the operation and maintenance of the Board of Examiners'
office as follows:

- (1) For Salaries, Eight Thousand One Hundred Dol-
lars\$ 8,100.00

The same being more particularly itemized as follows:

Salary of Clerk, Three Thousand Dollars.....\$ 3,000.00

Salary of Assistant Clerk, Two Thousand
Four Hundred Dollars\$ 2,400.00

Salary of Stenographers, Two Thousand
Seven Hundred Dollars\$ 2,700.00

- (2) For Capital, Repairs and Replacements, Two Hun-
dred Dollars\$ 200.00

- (3) For Other Operating Expenses, One Thousand
Four Hundred Fifty Dollars\$ 1,450.00

SESSION LAWS

STATE LAND OFFICE.

For the operation and maintenance of the State Land Office as follows:

- | | |
|--|-------------|
| (1) For Salaries, Twenty-one Thousand Dollars..... | \$21,000.00 |
| The same being more particularly itemized as follows: | |
| Salary of Register, Three Thousand Six Hundred Dollars | \$ 3,600.00 |
| Salary of Deputy Register, Two Thousand Four Hundred Dollars | \$ 2,400.00 |
| Salary of Cashier and Others, Fifteen Thousand Dollars | \$15,000.00 |
| (2) For Capital, Repairs and Replacements, One Hundred Seventy-five Dollars | \$ 175.00 |
| (3) For Other Operating Expenses, Five Thousand Dollars | \$ 5,000.00 |
| (4) For Expenses of compiling State Land Abstracts and Records, Twenty-five Hundred Dollars..... | \$ 2,500.00 |

LIVESTOCK COMMISSION.

For the payment of Salaries and Expenses of the Livestock Commission, Twenty Thousand Dollars.....\$20,000.00

For the payment of salaries and expenses of the Livestock Commission to be paid from the Livestock Commission Fund, so much thereof as may be available.

For the payment of salary of one Clerk to the Livestock Commission, to be paid from the Bounty Fund.....\$ 1,800.00

For the payment of claims to be paid from the Bounty Fund, so much thereof as may be necessary.

For the payment of estray claims, to be paid from the Estray Fund, so much thereof as may be necessary.

BOARD OF CHARITIES AND REFORMS.

For the payment of per diem and expenses in the operation of the State Board of Charities and Reforms, One Hundred Dollars \$ 100.00 |

VOCATIONAL REHABILITATION.

For the operation and maintenance of the Vocational Rehabilitation Department as follows:

For payment out of the General Fund for the salaries and expenses and payment of training expenses of the work of Vocational Rehabilitation, Fifteen Thousand Dollars \$15,000.00 |

TWENTIETH LEGISLATIVE ASSEMBLY

STATE ACCOUNTANT.

For the operation and maintenance of the State Accountant's office as follows:

For the payment of salaries, supplies, travel and other expenses of the State Accountant's office, Four Thousand Two Hundred Dollars\$ 4,200.00

STATE BUDGET OFFICE.

For the operation and maintenance of the State Budget office as follows:

(1) For Salaries, Five Thousand Nine Hundred Dollars\$ 5,900.00

The same being more particularly itemized as follows:

Salary of Bookkeeper, Two Thousand Four Hundred Dollars\$ 2,400.00

Salary of Assistant Bookkeeper, Two Thousand Dollars\$ 2,000.00

Salary of Stenographer and Bookkeeper, One Thousand Five Hundred Dollars.....\$ 1,500.00

(2) For Capital, Repairs and Replacements, Three Hundred Dollars\$ 300.00

(3) For Other Operating Expenses, One Thousand Eight Hundred Dollars\$ 1,800.00

STATE LAND AGENT.

For the operation and maintenance of the State Land Agent's office as follows:

(1) For Salaries, Nine Thousand Seventy Dollars.....\$ 9,070.00

The same being more particularly itemized as follows:

Salary of Land Agent, Three Thousand Two Hundred Fifty Dollars\$ 3,250.00

Salaries of Deputies, Five Thousand Eight Hundred Twenty Dollars\$ 5,820.00

(2) For Other Operating Expenses, Eighty-one Hundred Dollars\$ 8,100.00

BOARD OF RAILROAD COMMISSIONERS.

For the operation and maintenance of the office of Railroad Commission as follows:

(1) For Salaries, Thirty Thousand One Hundred Dollars\$30,100.00

The same being more particularly itemized as follows:

Salaries of Commissioners, Twelve Thousand Dollars\$12,000.00

SESSION LAWS

Salaries of Secretary and Assistant Secretary, Six Thousand Six Hundred Dollars.....	\$ 6,600.00
Salary of Rate Expert, Three Thousand Dol- lars	\$ 3,000.00
Salary of Inspector, Two Thousand Five Hundred Dollars	\$ 2,500.00
Salary of Reporter, Three Thousand Dollars..	\$ 3,000.00
Salary of Stenographers, Three Thousand Dollars	\$ 3,000.00
(2) For Capital, Repairs and Replacements, Six Hun- dred Seventy Dollars	\$ 670.00
(3) For Other Operating Expenses, Four Thousand Seven Hundred Dollars	\$ 4,700.00

MOTOR VEHICLE DIVISION.

For the payment of Salaries and other Expenses of the Motor Vehicle Division of the Railroad Commission, Three Thousand One Hundred Dollars

\$ 3,100.00

PUBLIC SERVICE COMMISSION.

(1) For Salaries, Eighty-one Hundred Dollars.....	\$ 8,100.00
The same being more particularly itemized as follows:	
Salary of Engineer, Three Thousand Six Hundred	\$ 3,600.00
Salary of Assistant Engineer, One Thousand Eight Hundred Dollars	\$ 1,800.00
Salary of Auditor, Two Thousand Seven Hun- dred Dollars	\$ 2,700.00
(2) For Other Operating Expenses, Twelve Hundred Dollars	\$ 1,200.00

OIL AND GAS DIVISION.

(1) For Salaries, Twelve Thousand Dollars.....	\$12,000.00
The same being more particularly itemized as follows:	
Salary of Inspector, not to exceed Three Thousand Three Hundred Dollars	\$ 3,300.00
Salary of Three Field Men at Two Thousand Four Hundred Dollars each.....	\$ 7,200.00
Salary of Stenographer, One Thousand Five Hundred Dollars	\$ 1,500.00
(2) For Other Operating Expenses, Four Thousand Dollars	\$ 4,000.00

TWENTIETH LEGISLATIVE ASSEMBLY

TRADE COMMISSION.

- (1) For Salary of Mill Expert, Three Thousand Dollars\$ 3,000.00
- (2) For Traveling Expenses, Five Hundred Dollars....\$ 500.00

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all income from funds in connection with the Departments specified herein. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

STATE OF MONTANA.

OFFICE OF THE GOVERNOR.

Helena, March 16, 1927.

HON. R. N. HAWKINS,

Secretary of State, Helena, Montana.

Dear Sir: I am transmitting herewith House Bill No. 110, passed by the Twentieth Legislative Assembly, appropriating money for the operation and maintenance of certain of the boards, commissions and departments of the State of Montana for the period beginning July 1, 1927, and ending June 30, 1928, with my approval, excepting Item No. 4 in the appropriations made for the State Land Office, appropriating \$2500.00 for compiling State Land Abstracts and records for the year beginning July 1, 1927, and ending June 30, 1928.

I do not feel that the disapproval of this item will in any way impair the orderly and efficient administration of the State Land Office, and in view of the fact that the general fund is already greatly overloaded, and that the probable income of the next biennium will not be sufficient to meet the appropriations already made, I therefore disapprove of this item, and approve of all other items and appropriations made in this bill.

Respectfully submitted,

J. E. ERICKSON, Governor.

SESSION LAWS

HOUSE BILL NO. 124.

An Act Providing for the Establishing a Manufacturing Plant for the Purpose of Manufacturing Auto License Number Plates at the State Penitentiary at Deer Lodge, Montana; Regulating the Operation of Said Plant and Appropriating Money to Carry Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-five Thousand Dollars (\$25,000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of the moneys received from automobile license fees for the purpose of purchasing and installing machinery and purchasing materials for the manufacturing of Auto License Number Plates, Auto Name Plates, Chauffeur's Badges, Road Markers and Street Markers. The sums hereby appropriated shall be deducted from the fund received by the Register of Motor Vehicles for automobile licenses before any distribution of such funds shall be made to the several counties.

Section 2. The Registrar of Motor Vehicles is hereby empowered and directed to purchase and install, in a suitable building, owned by the State of Montana, and located at the State Penitentiary at Deer Lodge, Montana, all the necessary machinery for manufacturing Auto License Number Plates, Chauffeur's Badges, Road Markers, Street Markers and Auto Name Plates, to be used or distributed by the State of Montana.

Section 3. That after the passage and approval of this act, all Auto License Number Plates, Auto Name Plates, Road Markers, Street Markers and Chauffeur's Badges used or distributed by the Registrar of Motor Vehicles, on and after January 1st, 1928, shall be manufactured by the State of Montana at Deer Lodge, Montana, and such manufacturing plant shall be under the direction of the Registrar of Motor Vehicles and the State Board of Examiners.

Section 4. All paid employees necessary for the purpose of carrying out this Act shall be selected and employed by, and the salary of such employees fixed by the Registrar of Motor Vehicles and approved by the State Board of Examiners.

Section 5. In so far as is possible all employees necessary for the purpose of carrying out the provisions of this Act shall be selected from the inmates of the State Penitentiary, who shall serve without compensation.

Section 6. The Registrar of Motor Vehicles shall make a bi-annual report of the operation of the manufacturing plant herein provided for to the Governor of the State of Montana.

TWENTIETH LEGISLATIVE ASSEMBLY

Section 7. All profits derived from the manufacturing plant herein provided for shall be distributed in the same manner as automobile license fees are distributed.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1927.

HOUSE BILL NO. 146.

An Act Authorizing Wilsie M. Cramer to File With the State Board of Examiners as a Deficiency Claim Against the State of Montana for Payment to Him of Moneys Due Him for the Purchase Price of Land and Water Right Deeded by Him to the State of Montana, for an Easement, Water Rentals, Damages and Interest Accrued on the Amount Due Him and Authorizing the State Board of Examiners to Hear, Audit and Determine the Said Claim of Wilsie M. Cramer and Authorizing the State Auditor to Draw His Warrant Upon the State Treasurer in Payment of Such Amount as Allowed by the State Board of Examiners, and Appropriating Money in Payment of Such Claim.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. WHEREAS, Wilsie M. Cramer, a resident and inhabitant of the State of Montana, did on or about the 13th day of July, 1912, Deed to the State of Montana, certain tracts of land together with water rights, together with one certain easement, and did rent to the State of Montana certain other water and did sustain certain damages;

NOW, THEREFORE, The State Board of Examiners is hereby authorized to hear, audit and determine the claim of Wilsie M. Cramer against the State for the payment to him of the moneys due him. If the said State Board of Examiners finds that such moneys are due him, then said claim shall constitute a legal and valid claim against the State of Montana, and the State Board of Examiners shall approve and allow such claim in favor of the claimant for such sum as shall be just and equitable, and the Auditor is hereby authorized to draw his warrant upon the State Treasurer for such sum as may be allowed and approved by the said State Board of Examiners.

SESSION LAWS

Section 2. That the sum of Six Thousand Five Hundred Forty-five Dollars (\$6,545.00), or so much thereof as may be necessary, is hereby appropriated out of the moneys in the State Treasury belonging to the Fish and Game Fund and not otherwise appropriated for the purpose of paying any claim which may be allowed and approved by the said State Board of Examiners in favor of the said Wilsie M. Cramer; provided, that the State Board of Examiners shall not allow the claim of the said Wilsie M. Cramer for more than Six Thousand Five Hundred Forty-five Dollars (\$6,545.00) provided further, that such claim must be filed with the State Board of Examiners within thirty (30) days after the approval of this Act.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1927.

HOUSE BILL NO. 160.

An Act Appropriating Money for the Operation and Maintenance of the Livestock Sanitary Board for the Years Beginning July 1, 1927 and Ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following amounts, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, in addition to any money in the Livestock Sanitary Board fund, not otherwise appropriated, for the objects and purposes hereinafter expressed for the year beginning July 1, 1927 and ending June 30, 1928:

(1) For the payment of Salaries of the Livestock Sanitary Board, Forty Thousand Nine Hundred Dollars.....\$40,900.00

The same being more particularly itemized as follows:

Salaries and Per Diem Livestock Board, Five

Thousand Dollars\$ 5,000.00

Salary of Chief Deputy, Two Thousand Four

Hundred Dollars\$ 2,400.00

Salaries and Per Diem District Deputies,

Fifteen Thousand Three Hundred Dollars....\$15,300.00

TWENTIETH LEGISLATIVE ASSEMBLY

Salary and Per Diem District Sheep Inspector,	
One Thousand Nine Hundred Dollars.....	\$ 1,900.00
Salaries and Per Diem Resident Deputies,	
Six Thousand Eight Hundred Dollars.....	\$ 6,800.00
Salaries of Others, Nine Thousand Five Hun-	
dred Dollars	\$ 9,500.00
(2) For Capital, Repairs and Replacements, Eight	
Hundred Fifty Dollars	\$ 850.00
(3) For Other Operating Expenses, Nine Thousand	
Two Hundred Fifty Dollars	\$ 9,250.00
(4) For the payment of slaughtered stock as provided in	
Chapter 262, Session Laws of 1921, and for the operation of the	
Livestock Sanitary Board, such sums as may be required, to be	
paid from the Livestock Sanitary Board fund.	
(5) For the payment of emergencies arising out of the opera-	
tion of the Livestock Sanitary Board, to be paid from the Livestock	
Sanitary Board Emergency fund, when such emergency is declared	
to exist by the Board of Examiners, as much as may be required.	
Section 2. That the following amounts, or so much thereof as	
may be necessary, be, and the same are hereby appropriated out	
of any money in the State Treasury, not otherwise appropriated,	
in addition to any money in the Livestock Sanitary Board fund,	
not otherwise appropriated, for the objects and purposes herein-	
after expressed for the year beginning July 1, 1928 and ending	
June 30, 1929:	
(1) For the payment of Salaries of the Livestock Sanitary	
Board, Forty Thousand Nine Hundred Dollars.....	\$40,900.00
The same being more particularly itemized as follows:	
Salaries and Per Diem Livestock Board, Five	
Thousand Dollars	\$ 5,000.00
Salary of Chief Deputy, Two Thousand Four	
Hundred Dollars	\$ 2,400.00
Salaries and Per Diem District Deputies, Fif-	
teen Thousand Three Hundred Dollars.....	\$15,300.00
Salary and Per Diem District Sheep Inspector,	
One Thousand Nine Hundred Dollars.....	\$ 1,900.00
Salaries and Per Diem Resident Deputies,	
Six Thousand Eight Hundred Dollars.....	\$ 6,800.00
Salaries of Others, Nine Thousand Five Hun-	
dred Dollars	\$ 9,500.00
(2) For Capital, Repairs and Replacements, Eight	
Hundred Fifty Dollars	\$ 850.00

SESSION LAWS

(3) For Other Operating Expenses, Nine Thousand
Two Hundred Fifty Dollars.....\$ 9,250.00

(4) For the payment of slaughtered stock as provided in Chapter 262, Session Laws of 1921, and for the operation of the Livestock Sanitary Board, such sums as may be required, to be paid from the Livestock Sanitary Board fund.

(5) For the payment of emergencies arising out of the operation of the Livestock Sanitary Board, to be paid from the Livestock Sanitary Board Emergency fund, when such emergency is declared to exist by the Board of Examiners, as much as may be required.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved February 21, 1927.

HOUSE BILL NO. 161.

An Act to appropriate Funds for the Operation and Maintenance of Certain of the State's Institutions for the Period Beginning July 1, 1927 and Ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated, out of any moneys in the State Treasury, not otherwise appropriated, and from any Special Funds of the State herein designated for the objects and purposes hereinafter expressed for the fiscal year beginning July 1, 1927 and ending June 30, 1928.

STATE PRISON.

For the operation and maintenance of the State Prison at Deer Lodge as follows:

(1) For Salaries, Fifty-five Thousand Four Hundred Dollars\$ 55,400.00

The same being more particularly itemized as follows:

Salary of Warden, Four Thousand Dollars....\$ 4,000.00

Salary of Deputy Warden, One Thousand

Nine Hundred Eighty Dollars.....\$ 1,980.00

Salary of Chief Clerk, Two Thousand One

Hundred Dollars\$ 2,100.00

Salary of Physicians, One Thousand Three

Hundred Eighty Dollars\$ 1,380.00

TWENTIETH LEGISLATIVE ASSEMBLY

Salaries of Captains and Guards, Thirty-Eight Thousand Five Hundred Dollars.....	\$38,500.00
Other Salaries, Seven Thousand Four Hundred Forty Dollars	\$ 7,440.00
(2) For Capital, Repairs and Replacements, Seven Thousand Five Hundred Dollars	\$ 7,500.00
(3) For Other Operating Expenses, Ninety-seven Thousand One Hundred Dollars	\$ 97,100.00

INDUSTRIAL SCHOOL.

For the operation and maintenance of the Industrial School as follows:

(1) For Salaries, Twenty-eight Thousand Five Hundred Dollars	\$ 28,500.00
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The same being more particularly itemized as follows:

Salary of President, Two Thousand Five Hundred Dollars

\$ 2,500.00

Salary of Secretary, One Thousand Eight Hundred Dollars

\$ 1,800.00

Salary of Physician, One Thousand Two Hundred Dollars

\$ 1,200.00

Salaries of Others, Twenty-three Thousand Dollars

\$23,000.00

(2) For Capital, Repairs and Replacements, One Thousand Dollars

\$ 1,000.00

(3) Other Operating Expenses, Eighteen Thousand Five Hundred Dollars

\$ 18,500.00

TUBERCULOSIS SANITARIUM.

For the operation and maintenance of the Tuberculosis Sanitarium as follows:

(1) For Salaries, Fifty-four Thousand Five Hundred Seventy Dollars	\$54,570.00
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The same being more particularly itemized as follows:

Salary of Superintendent, Four Thousand Dollars

\$ 4,000.00

Salary of Physicians and Surgeons, Three Thousand Dollars

\$ 3,000.00

Salaries of Nurses and Attendants, Eighteen Thousand Dollars

\$18,000.00

Salary of Farmer and Stockman, Three Thousand Five Hundred Dollars.....

\$ 3,500.00

Salaries of Others, Twenty-six Thousand Seventy Dollars

\$26,070.00

SESSION LAWS

- (2) For Capital, Repairs and Replacements, Six Thousand Eight Hundred Dollars\$ 6,800.00
- (3) For Other Operating Expenses, Nine Thousand Six Hundred Thirty Dollars\$ 9,630.00

ORPHANS' HOME.

For the operation and maintenance of the Orphans' Home as follows:

- (1) For Salaries, Thirty Thousand Seven Hundred Dollars\$ 30,700.00

The same being more particularly itemized as follows:

Salary of Superintendent, Two Thousand Five Hundred Dollars\$ 2,500.00

Salary of Office Employees, Two Thousand One Hundred Dollars\$ 2,100.00

Salary of Teachers, Four Thousand Dollars.....\$ 4,000.00

Salary of Matrons and Nurses, Nine Thousand Dollars\$ 9,000.00

Salary of Engineers, Three Thousand One Hundred Dollars\$ 3,100.00

Salary of Other Employees, Ten Thousand Dollars\$10,000.00

- (2) For Capital, Repairs and Replacements, Four Thousand Eight Hundred Fifty Dollars\$ 4,850.00

- (3) For Other Operating Expenses, Forty-one Thousand Four Hundred Fifty Dollars.....\$ 41,450.00

SOLDIERS' HOME.

For the operation and maintenance of the Soldiers' Home as follows:

- (1) For Salaries, Twenty-three Thousand Seven Hundred Eighty-two Dollars\$ 23,782.00

The same being more particularly itemized as follows:

Salary of Commandant, One Thousand Five Hundred Dollars\$ 1,500.00

Salary of Adjutant, One Thousand Eight Hundred Dollars\$ 1,800.00

Salaries of Others, Twenty Thousand Four Hundred Eighty-two Dollars\$20,482.00

- (2) For Capital, Repairs and Replacements, One Thousand Eight Hundred Fifteen Dollars.....\$ 1,815.00

- (3) For Other Operating Expenses, Sixteen Thousand Four Hundred Three Dollars\$ 16,403.00

TWENTIETH LEGISLATIVE ASSEMBLY

VOCATIONAL SCHOOL FOR GIRLS.

For the operation and maintenance of the State Vocational School for Girls as follows:

(1) For Salaries, Eighteen Thousand Three Hundred Ten Dollars	\$ 18,310.00
The same being more particularly itemized as follows:	
Salary of Superintendent, Two Thousand Five Hundred Dollars	\$ 2,500.00
Salaries of Matrons, One Thousand Five Hundred Sixty Dollars	\$ 1,560.00
Salary of Teachers and Instructors, Four Thousand Eighty Dollars	\$ 4,080.00
Salary of Others, Ten Thousand One Hundred Seventy Dollars	\$10,170.00
(2) For Capital, Repairs and Replacements, Two Thousand Two Hundred Fifty Dollars.....	\$ 2,250.00
The same being more particularly itemized as follows:	
For Providing Well, subject to approval of State Engineer, One Thousand Five Hundred Dollars	\$ 1,500.00
For Other Capital, Repairs and Replacements, Seven Hundred Fifty Dollars.....	\$ 750.00
(3) For Other Operating Expenses, Seven Thousand Four Hundred Forty Dollars	\$ 7,440.00

STATE HOSPITAL FOR INSANE.

For the operation and maintenance of the State Hospital for Insane as follows:

(1) For Salaries, One Hundred Twenty-seven Thousand Six Hundred Fifty Dollars	\$127,650.00
The same being more particularly itemized as follows:	
Salary of Superintendent, Four Thousand Dollars	\$ 4,000.00
Salary of Physicians, Twelve Thousand Six Hundred Dollars	\$12,600.00
Salary of Supervisors and Attendants, Fifty Thousand Dollars	\$50,000.00
Salary of Mechanics and Engineers, Nineteen Thousand Five Hundred Dollars.....	\$19,500.00
Salaries of Others, Forty-one Thousand Five Hundred Fifty Dollars	\$41,550.00
(2) For Capital, Repairs and Replacements, Fourteen Thousand Dollars	\$ 14,000.00

SESSION LAWS

The same being more particularly itemized as follows:

For Tunnels, Three Thousand Dollars.....\$ 3,000.00

For Other Capital, Repairs and Replacements, Eleven
Thousand Dollars\$ 11,000.000

(3) For Other Operating Expenses, One Hundred
Sixty One Thousand Five Hundred Dollars.....\$161,500.00

That said appropriation of One Hundred Sixty-one Thousand
Five Hundred Dollars (\$161,500.00) shall be exclusive of the sum
of Fifty-five Thousand Dollars (\$55,000.00) now held in the revolving
fund of said institution, which said sum of Fifty-five Thousand
Dollars (\$55,000.00) shall revert to the General Fund of the State
of Montana.”

DEAF AND BLIND SCHOOL.

For the operation and maintenance of the Deaf and Blind School
as follows:

(1) For Salaries, Seventy-two Thousand, Nine Hundred Fifty-
seven Dollars\$ 72,957.00

The same being more particularly itemized as follows:

Salary of Superintendent, Three Thousand
Dollars\$ 3,000.00

Salary of Secretary, One Thousand Two
Hundred Dollars\$ 1,200.00

Salary of Bookkeeper, One Thousand Two
Hundred Dollars\$ 1,200.00

Salary of Storekeeper, One Thousand Six
Hundred Twenty Dollars\$ 1,620.00

Salaries of Matrons and Nurses, Three Thou-
sand Five Hundred Forty Dollars.....\$ 3,540.00

Salaries of Doctors, Four Thousand Three
Hundred Twenty Dollars\$ 4,320.00

Salaries of Teachers, Supervisors, and At-
tendants, Thirty Thousand Eight Hundred
Sixty-two Dollars\$30,862.00

Salaries of Ranch Foreman and Matron,
One Thousand Eight Hundred Dollars.....\$ 1,800.00

Salaries of Other Employees, Twenty-five
Thousand Four Hundred Fifteen Dollars....\$25,415.00

(2) For Capital, Repairs and Replacements, Four
Thousand Four Hundred Seventy Dollars.....\$ 4,470.00

(3) For Other Operating Expenses, Sixty-
nine Thousand Five Hundred Seventy-three Dol-
lars\$ 69,573.00

TWENTIETH LEGISLATIVE ASSEMBLY

Section 2. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated, out of any moneys in the State Treasury, not otherwise appropriated, and from any Special Funds of the State herein designated for the objects and purposes hereinafter expressed for the fiscal year beginning July 1, 1928 and ending June 30, 1929.

STATE PRISON.

For the operation and maintenance of the State Prison at Deer Lodge as follows:

(1) For Salaries, Fifty-five Thousand Four Hundred Dollars\$ 55,400.00

The same being more particularly itemized as follows:

Salary of Warden, Four Thousand Dollars....\$ 4,000.00

Salary of Deputy Warden, One Thousand
Nine Hundred Eighty Dollars\$ 1,980.00

Salary of Chief Clerk, Two Thousand One
Hundred Dollars\$ 2,100.00

Salary of Physicians, One Thousand Three
Hundred Eighty Dollars\$ 1,380.00

Salaries of Captains and Guards, Thirty-eight
Thousand Five Hundred Dollars.....\$38,500.00

Other Salaries, Seven Thousand Four Hun-
dred Forty Dollars\$ 7,440.00

(2) For Capital, Repairs and Replacements, Seven
Thousand Five Hundred Dollars\$ 7,500.00

(3) For Other Operating Expense, Ninety-seven
Thousand One Hundred Dollars.....\$ 97,100.00

INDUSTRIAL SCHOOL.

For the operation and maintenance of the Industrial School as follows:

(1) For Salaries, Twenty-eight Thousand Five Hundred Dol-
lars\$ 28,500.00

The same being more particularly itemized as follows:

Salaries of President, Two Thousand Five
Hundred Dollars\$ 2,500.00

Salary of Secretary, One Thousand Eight
Hundred Dollars\$ 1,800.00

Salary of Physician, One Thousand Two
Hundred Dollars\$ 1,200.00

Salaries of Others, Twenty-three Thousand
Dollars\$23,000.00

SESSION LAWS

- (2) For Capital, Repairs and Replacements, One Thousand Dollars\$ 1,000.00
- (3) Other Operating Expenses, Eighteen Thousand Five Hundred Dollars\$ 18,500.00

TUBERCULOSIS SANITARIUM.

For the operation and maintenance of the Tuberculosis Sanitarium as follows:

- (1) For Salaries, Fifty-four Thousand Five Hundred Seventy Dollars\$ 54,570.00

The same being more particularly itemized as follows:

Salary of Superintendent, Four Thousand Dollars\$ 4,000.00

Salary of Physicians and Surgeons, Three Thousand Dollars\$ 3,000.00

Salaries of Nurses and Attendants, Eighteen Thousand Dollars\$18,000.00

Salary of Farmer and Stockmen, Three Thousand Five Hundred Dollars\$ 3,500.00

Salaries of Others, Twenty-six Thousand Seventy Dollars\$26,070.00

- (2) For Capital, Repairs and Replacements, Six Thousand Eight Hundred Dollars\$ 6,800.00

- (3) For Other Operating Expenses, Nine Thousand Six Hundred Thirty Dollars\$ 9,630.00

ORPHAN'S HOME.

For the operation and maintenance of the Orphan's Home as follows:

- (1) For Salaries, Thirty Thousand Seven Hundred Dollars\$ 30,700.00

The same being more particularly itemized as follows:

Salary of Superintendent, Two Thousand Five Hundred Dollars\$ 2,500.00

Salary of Office Employees, Two Thousand One Hundred Dollars\$ 2,100.00

Salary of Teachers, Four Thousand Dollars.....\$ 4000.00

Salary of Matrons and Nurses, Nine Thousand Dollars\$ 9,000.00

Salary of Engineers, Three Thousand One Hundred Dollars\$ 3,100.00

Salary of Other Employees, Ten Thousand Dollars\$10,000.00

TWENTIETH LEGISLATIVE ASSEMBLY

- (2) For Capital, Repairs and Replacements, Four Thousand Eight Hundred Fifty Dollars.....\$ 4,850.00
- (3) For Other Operating Expenses, Forty-one Thousand Four Hundred Fifty Dollars.....\$ 41,450.00

SOLDIERS' HOME.

For the operation and maintenance of the Soldiers' Home as follows:

- (1) For Salaries, Twenty-three Thousand Seven Hundred Eighty Two Dollars\$ 23,782.00
The same being more particularly itemized as follows:
 - Salary of Commandant, One Thousand Five Hundred Dollars\$ 1,500.00
 - Salary of Adjutant, One Thousand Eight Hundred Dollars\$ 1,800.00
 - Salaries of Others, Twenty Thousand Four Hundred Eighty-two Dollars\$20,482.00
- (2) For Capital, Repairs and Replacements, One Thousand Eight Hundred Fifteen Dollars.....\$ 1,815.00
- (3) For Other Operating Expenses, Sixteen Thousand Four Hundred Three Dollars.....\$ 16,403.00

VOCATIONAL SCHOOL FOR GIRLS.

For the operation and maintenance of the State Vocational School for Girls as follows:

- (1) For Salaries, Eighteen Thousand Three Hundred Ten Dollars\$ 18,310.00
The same being more particularly itemized as follows:
 - Salary of Superintendent, Two Thousand Five Hundred Dollars\$ 2,500.00
 - Salaries of Matrons, One Thousand Five Hundred Sixty Dollars\$ 1,560.00
 - Salary of Teachers and Instructors, Four Thousand Eighty Dollars\$ 4,080.00
 - Salary of Others, Ten Thousand One Hundred Seventy Dollars\$10,170.00
- (2) For Capital, Repairs and Replacements, Seven Hundred Fifty Dollars\$ 750.00
- (3) For Other Operating Expenses, Seven Thousand Four Hundred Forty Dollars\$ 7,440.00

STATE HOSPITAL FOR INSANE.

For the operation and maintenance of the State Hospital for Insane as follows:

SESSION LAWS

(1) For Salaries, One Hundred Twenty-seven Thousand Six Hundred Fifty Dollars\$127,650.00

The same being more particularly itemized as follows:

Salary of Superintendent, Four Thousand Dollars\$ 4,000.00

Salary of Physicians, Twelve Thousand Six Hundred Dollars\$12,600.00

Salary of Supervisors and Attendants, Fifty Thousand Dollars\$50,000.00

Salary of Mechanics and Engineers, Nineteen Thousand Five Hundred Dollars.....\$19,500.00

Salaries of Others, Forty-one Thousand Five Hundred Fifty Dollars\$41,550.00

(2) For Capital, Repairs and Replacements, Eleven Thousand Two Hundred Fifty Dollars.....\$ 11,250.00

(3) For Other Operating Expenses, One Hundred Sixty-one Thousand Five Hundred Dollars.....\$161,500.00

DEAF AND BLIND SCHOOL.

For the operation and maintenance of the Deaf and Blind School as follows:

(1) For Salaries, Seventy-two Thousand, Nine Hundred Fifty-seven Dollars\$ 72,957.00

The same being more particularly itemized as follows:

Salary of Superintendent, Three Thousand Dollars\$ 3,000.00

Salary of Secretary, One Thousand Two Hundred Dollars\$ 1,200.00

Salary of Bookkeeper, One Thousand Two Hundred Dollars\$ 1,200.00

Salary of Storekeeper, One Thousand Six Hundred Twenty Dollars\$ 1,620.00

Salaries of Matrons and Nurses, Three Thousand Five Hundred Forty Dollars.....\$ 3,540.00

Salaries of Doctors, Four Thousand Three Hundred Twenty Dollars\$ 4,320.00

Salaries of Teachers, Supervisors, and Attendants, Thirty Thousand Eight Hundred Sixty-two Dollars\$30,862.00

Salaries of Ranch Foreman and Matron, One Thousand Eight Hundred Dollars\$ 1,800.00

TWENTIETH LEGISLATIVE ASSEMBLY

Salaries of Other Employees, Twenty-five Thousand Four Hundred Fifteen Dol- lars	\$25,415.00
(2) For Capital, Repairs and Replacements, Four Thousand Four Hundred Seventy Dollars.....	\$ 4,470.00
(3) For Other Operating Expenses, Sixty-nine Thou- sand Five Hundred Seventy-three Dollars.....	\$ 69,573.00

Section 3. The sums appropriated as "Other Operating Expenses" in Sections 1 and 2 of this Act are declared to be in addition to all the incomes of said institutions from all permanent funds and endowments and from all land grants and from all fees and earnings of said institutions from whatever source they may be derived, provided that all moneys in said funds are to be expended first before using the appropriation; and it is further provided that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1927.

HOUSE BILL NO. 162.

An Act Appropriating Money for the Operation and Maintenance of Certain of the Boards, Commissions and Departments of the State of Montana for the Period Beginning July 1, 1927 and Ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes herein-after stated for the year beginning July 1, 1927, and ending June 30, 1928.

ORTHOPEDIC COMMISSION.

For the payment of salaries and per diem, supplies and general administrative expenses in the operation of the Orthopedic Commission, Sixteen Thousand Five Hundred Dollars.....\$16,500.00

SESSION LAWS

VETERANS WELFARE COMMISSION.

For the operation and maintenance of the Veterans Welfare Commission as follows:

- (1) For Salaries and Per Diem, Three Thousand Dollars\$ 3,000.00
- (2) For Other Operating Expenses, Two Thousand Dollars\$ 2,000.00
- (3) For Gifts and Relief, Five' Thousand Dollars.....\$ 5,000.00

BOARD OF ENTOMOLOGY.

For the operation and maintenance of the Board of Entomology as follows:

- (1) For Salaries, Nine Thousand One Hundred Seventy-five Dollars\$ 9,175.00

The same being more particularly itemized as follows:

Salary of Field Agent, Three Thousand Dollars\$ 3,000.000

Salaries of Deputies, Three Thousand Three Hundred Dollars\$ 3,300.00

Salaries of Poisoners, Six Hundred Seventy-five Dollars\$ 675.00

Salaries of Office Assistants, One Thousand Two Hundred Dollars\$ 1,200.00

Salaries of Others, One Thousand Dollars.....\$ 1,000.00

- (2) For Capital, Repairs and Replacements, One Thousand Dollars\$ 1,000.00

- (3) For Other Operating Expenses, Five Thousand Two Hundred and Eighty-five Dollars.....\$ 5,285.00

- (4) For Woodtick Parasite Work, Seven Thousand Eight Hundred Sixty Dollars\$ 7,860.00

INDUSTRIAL ACCIDENT BOARD.

For payment out of the General Fund for Salaries and Expenses of the Industrial Accident Board, Thirty Thousand Dollars\$30,000.00

BOARD OF HEALTH.

For the operation and maintenance of the Department of Board of Health as follows:

- (1) For Salaries, Twenty-four Thousand Nine Hundred Dollars\$24,900.00

The same being more particularly itemized as follows:

Salary of Secretary, Five Thousand Dollars....\$ 5,000.00

TWENTIETH LEGISLATIVE ASSEMBLY

Salary of Bacteriologist, Forty-two Hundred Dollars	\$ 4,200.00
Salary of Director of Laboratory, Three Thousand Dollars	\$ 3,000.00
Salary of Others, Twelve Thousand Seven Hundred Dollars	\$12,700.00
(2) For Capital, Repairs and Replacements, Two Hundred Dollars	\$ 200.00
(3) For Other Operating Expenses, Six Thousand Nine Hundred Dollars	\$ 6,900.00

In addition to the amounts above specified there is hereby appropriated out of the general fund for the use of said State Board of Health an amount equal to the fees and earning of said Department.

SHEPPARD-TOWNER ACT.

For the payment of salaries, supplies and general administrative expenses, to match the Federal appropriation under the Sheppard-Towner Act, Eight Thousand Seven Hundred Dollars.....\$ 8,700.00

CHILD WELFARE WORK.

For the payment of expenses in connection with Child Welfare Work for children of six years and over, it being the intent that this is to be applied only as work supplementary to that carried on under the provisions of the Sheppard-Towner Act, Two Thousand Dollars

\$ 2,000.00

STATE ENTOMOLOGIST.

For the payment of supplies and expenses in the operation and maintenance of the office of the State Entomologist, Two Thousand Two Hundred Fifty Dollars

\$ 2,250.00

Section 2. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes herein after stated for the year beginning July 1, 1928, and ending June 30, 1929.

ORTHOPEDIC COMMISSION.

For the payment of salaries and per diem, supplies and general administrative expenses in the operation of the Orthopedic Commission, Sixteen Thousand Five Hundred Dollars.....\$16,500.00

SESSION LAWS

VETERANS WELFARE COMMISSION.

For the operation and maintenance of the Veterans Welfare Commission as follows:

- (1) For Salaries and Per Diem, Three Thousand Dollars\$ 3,000.00
- (2) For Other Operating Expenses, Two Thousand Dollars\$ 2,000.00
- (3) For Gifts and Relief, Five Thousand Dollars.....\$ 5,000.00

BOARD OF ENTOMOLOGY.

For the operation and maintenance of the Board of Entomology as follows:

- (1) For Salaries, Nine Thousand One Hundred Seventy-five Dollars\$ 9,175.00

The same being more particularly itemized as follows:

Salary of Field Agent, Three Thousand Dollars\$ 3,000.00

Salaries of Deputies, Three Thousand Three Hundred Dollars\$ 3,300.00

Salaries of poisoners, Six Hundred Seventy-five Dollars\$ 675.00

Salaries of Office Assistants, One Thousand Two Hundred Dollars\$ 1,200.00

Salaries of Others, One Thousand Dollars.....\$ 1,000.00

- (2) For Capital, Repairs and Replacements, Seven Hundred Fifty Dollars\$ 750.00

- (3) For Other Operating Expenses, Five Thousand Five Hundred Thirty-five Dollars.....\$ 5,535.00

- (4) For Woodtick Parasite Work, Ten Thousand One Hundred Sixty Dollars\$10,160.00

INDUSTRIAL ACCIDENT BOARD.

For payment out of the General Fund for Salaries and Expenses of the Industrial Accident Board,

Thirty Thousand Dollars\$30,000.00

BOARD OF HEALTH.

For the operation and maintenance of the Department of Board of Health as follows:

- (1) For Salaries, Twenty-four Thousand Nine Hundred Dollars\$24,900.00

The same being more particularly itemized as follows:

Salary of Secretary, Five Thousand Dollars\$ 5,000.00

TWENTIETH LEGISLATIVE ASSEMBLY

Salary of Bacteriologist, Four Thousand Two Hundred Dollars	\$ 4,200.00
Salary of Director of Laboratory, Three Thousand Dollars	\$ 3,000.00
Salary of Others, Twelve Thousand Seven Hundred Dollars	\$12,700.00
(2) For Capital, Repairs and Replacements, Two Hun- dred Dollars	\$ 200.00
(3) For Other Operating Expenses, Six Thousand Nine Hundred Dollars	\$ 6,900.00

In addition to the amounts above specified there is hereby appropriated out of the general fund for the use of said State Board of Health an amount equal to the fees and earnings of said Department.

SHEPPARD-TOWNER ACT.

For the payment of salaries, supplies and general administrative expenses, to match the Federal appropriation under the Sheppard-Towner Act,

Eight Thousand Seven Hundred Dollars\$ 8,700.00

CHILD WELFARE WORK.

For the payment of expenses in connection with Child Welfare Work for children of six years and over, it being the intent that this is to be applied only as work supplementary to that carried on under the provisions of the Sheppard-Towner Act,

Two Thousand Dollars\$ 2,000.00

STATE ENTOMOLOGIST.

For the payment of supplies and expenses in the operation and maintenance of the office of the State Entomologist,

Two Thousand Two Hundred and Fifty Dollars.....\$ 2,250.00

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all income from funds in connection with the Departments specified herein. That said funds, respectively be and they are hereby appropriated for the fiscal years ending June 30, 1928 and June 30, 1929, for the use of the departments, boards and commissions designated in Sections 1 and 2 of this Act to which departments such funds respectively appertain. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1927.

SESSION LAWS

HOUSE BILL NO. 163.

An Act Appropriating Money for the Operation and Maintenance of the State Forester for the Period Beginning July 1, 1927 and Ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury of the State of Montana, not otherwise appropriated, for the objects and purposes in the manner herein-after stated for the year beginning July 1, 1927 and ending June 30, 1928.

STATE FORESTER.

For the operation and maintenance of the office of the State Forester as follows:

(1) For Salaries, Seven Thousand Seven Hundred Dollars\$ 7,700.00

The same being more particularly itemized as follows:

Salary of State Forester, Three Thousand Dollars\$ 3,000.00

Salary of Other Employes, Forty-seven Hundred Dollars\$ 4,700.00

(2) For Capital, Repairs and Replacements, One Thousand Dollars\$ 1,000.00

(3) For Other Operating Expenses of the State Forester, Thirteen Hundred Dollars\$ 1,300.00

(4) Protection of State Lands, Fifteen Thousand Dollars\$15,000.00

TIMBER SALES.

There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of expenses of making timber sales including salaries of scalers, Twelve Thousand Dollars\$12,000.00

LAND EXCHANGED.

There is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the expenses incurred in making exchanges of land with the Federal Government, Twenty-four Hundred Dollars (\$2,400.00).

Section 2. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury of the State of Montana, not other-

TWENTIETH LEGISLATIVE ASSEMBLY

wise appropriated, for the objects and purposes in the manner hereinafter stated for the year beginning July 1, 1928 and ending June 30, 1929.

STATE FORESTER.

For the operation and maintenance of the office of the State Forester as follows:

- (1) For Salaries, Seven Thousand Seven Hundred Dollars\$ 7,700.00

The same being more particularly itemized as follows:

- Salary of State Forester, Three Thousand Dollars\$ 3,000.00

- Salary of Other Employees, Forty-seven Hundred Dollars\$ 4,700.00

- (2) For Capital, Repairs and Replacements, One Thousand Dollars\$ 1,000.00

- (3) For Other Operating Expenses for the State Forester, Thirteen Hundred Dollars\$ 1,300.00

- (4) Protection of State Lands, Fifteen Thousand Dollars\$15,000.00

TIMBER SALES.

There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for payment of expenses of making timber sales including salaries of scalers,

- Twelve Thousand Dollars\$12,000.00

LANDS EXCHANGED.

There is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the expenses incurred in making exchanges of land with the Federal Government,

- Twenty-four Hundred Dollars\$ 2,400.00

Section 3. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1927.

SESSION LAWS

HOUSE BILL NO. 164.

An Act Appropriating Money for the Operation and Maintenance of the Department of Agriculture, Labor and Industry for the Period Beginning July 1, 1927 and Ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury of the State of Montana, not otherwise appropriated, for the objects and purposes in the manner hereinafter stated for the year beginning July 1, 1927, and ending June 30, 1928.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY.

For the operation and maintenance of the Department of Agriculture, Labor and Industry as follows:

For the payment of Salaries, Supplies and Expenses in connection with the General Administrative expense of the Commissioner's office as follows:

(1) For Salaries, Seven Thousand One Hundred Seventy-five Dollars\$ 7,175.00

The same being more particularly itemized as follows:

Salary of Commissioner, Five Thousand Dollars\$ 5,000.00

Salary of Accountant, One Thousand Eight Hundred Dollars\$ 1,800.00

Salaries of Stenographers, Two Hundred Dollars\$ 200.00

Salaries of Others, One Hundred Seventy-five Dollars\$ 175.00

(2) For Capital, Repairs and Replacements, One Thousand Sixty-three Dollars\$ 1,063.00

(3) For Other Operating Expenses, Thirteen Hundred Twelve Dollars\$ 1,312.00

DAIRYING DIVISION.

For the operation and expenses of the Dairying Division, Three Thousand Dollars\$ 3,000.00

HORTICULTURE DIVISION.

For the operation and expenses of the Horticulture Division, Eight Thousand Dollars\$ 8,000.00

TWENTIETH LEGISLATIVE ASSEMBLY

POULTRY SHOWS DIVISION.

For the operation and expenses of the Poultry Shows Division,
Two Thousand Dollars\$ 2,000.00

APICULTURE DIVISION.

For the operation and expenses of the Apiculture Division, Two
Hundred Twenty-five Dollars\$ 225.00

LABOR AND PUBLICITY DIVISION.

For the payment of salaries, supplies and general expenses in
connection with the operation of the labor and publicity division
of the department of agriculture, labor and industry,
Eleven Thousand Dollars\$11,000.00

There is also hereby appropriated for the use of the Division of
Labor and Publicity, Nine Thousand Dollars.....\$ 9,000.00
out of the earnings and fees of the said department of agriculture,
labor and industry and for the use of all other divisions of said
department, all remaining fees and earnings of the earnings of the
department of agriculture, labor and industry, not otherwise ap-
propriated.

Section 2. That the following sums or so much thereof as may
be necessary be, and the same are hereby appropriated out of any
money in the State Treasury of the State of Montana, not other-
wise appropriated, for the objects and purposes in the manner
hereinafter stated for the year beginning July 1, 1928, and ending
June 30, 1929.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY.

For the operation and maintenance of the Department of Agri-
culture, Labor and Industry as follows:

For the payment of Salaries, Supplies and Expenses in connection
with the General Administrative expense of the Commissioner's
office as follows:

(1) For Salaries, Seven Thousand One Hundred Sev-
enty-five Dollars\$ 7,175.00

The same being more particularly itemized as follows:

Salary of Commissioner, Five Thousand Dol-
lars\$ 5,000.00

Salary of Accountant, One Thousand Eight
Hundred Dollars\$ 1,800.00

Salaries of Stenographers, Two Hundred
Dollars\$ 200.00

Salaries of Others, One Hundred Seventy-
five Dollars\$ 175.00

SESSION LAWS

- (2) For Capital, Repairs and Replacements, One Thousand Sixty-three Dollars\$ 1,063.00
- (3) For Other Operating Expenses, Thirteen Hundred Twelve Dollars\$1,312.00

DAIRYING DIVISION.

For the operation and expenses of the Dairying Division, Three Thousand Dollars\$3,000.00

HORTICULTURE DIVISION.

For the operation and expenses of the Horticulture Division, Eight Thousand Dollars\$ 8,000.00

POULTRY SHOWS DIVISION.

For the operation and expenses of the Poultry Shows Division, Two Thousand Dollars\$ 2,000.00

APICULTURE DIVISION.

For the operation and expenses of the Apiculture Division, Two Hundred Twenty-five Dollars\$ 225.00

LABOR AND PUBLICITY DIVISION.

For the payment of salaries, supplies and general expenses in connection with the operation of the labor and publicity division of the department of agriculture, labor and industry,
Eleven Thousand Dollars\$11,000.00

There is also hereby appropriated for the use of the division of labor and publicity, Nine Thousand Dollars.....\$ 9,000.00
out of the earnings and fees of the said department of agriculture, labor and industry and for the use of all other divisions of said department, all remaining fees and earnings of the department of agriculture, labor and industry, not otherwise appropriated.

Section 3. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1927.

TWENTIETH LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 165.

An Act Authorizing and Directing the State Board of Examiners to Purchase Additional Land for Campus Purposes at the University of Montana, at Missoula, and Appropriating Money for the Payment of the Purchase Price of Said Land.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Board of Examiners of the State of Montana are hereby authorized and directed to acquire title by purchase of the following described lots in the city of Missoula, which said lots are in the vicinity of the campus of the University of Montana, at Missoula, to-wit:

Lots Twelve (12) to Twenty-three (23), inclusive, Block Six (6) Hammond Addition Number Two (2);

Lots Twenty-four (24) to Twenty-seven (27), inclusive, Block Nineteen (19), Hammond Addition;

Lots Twenty-one (21) to Thirty-one (31), inclusive and lots One (1) to Fifteen (15), inclusive, in Block Thirty-four (34), Hammond Addition Number Three (3);

Lots Five (5) to Seventeen (17), inclusive, Block Thirty-two (32), Hammond Addition Number Three (3);

All of Block Thirty-one (31), Hammond Addition Number Three (3);

Lots One (1) to Eleven (11), inclusive, and lots Twenty-four (24) to Thirty-four (34), inclusive, Block Six (6), Hammond Addition Number Two (2);

All in accordance with the official map or plat of said additions to the city of Missoula on file and of record in the office of the County Clerk and Recorder of Missoula County, Montana.

Section 2. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Twenty-eight Thousand Five Hundred Dollars (\$28,500.00) for the purchase of the lots and blocks hereinabove mentioned.

Section 3. That the State Board of Examiners shall investigate and determine the advisability of purchasing the above described lots, and if, in the judgment of said Board of Examiners, it is advisable to purchase said lots, then the appropriation provided for in Section 2 of this Act shall be available for said purpose, provided first that the Attorney General of the State of Montana shall have approved the title to said lots in writing, and further provided, that the owners of said lots shall have tendered a good and sufficient deed to the State of Montana conveying the above described property to the State of Montana, which said deed shall first be ap-

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proved by the Attorney General of the State of Montana before the said deed shall be delivered to the said Board of Examiners for the State of Montana and before the said money above appropriated shall be paid over to the said owners of the lots above described.

Section 4. This Act shall take effect from and after its passage and approval.

Approved February 26, 1927.

HOUSE BILL NO. 166.

An Act to Appropriate Money From the Industrial Accident Fund of the State of Montana for Payment of Compensation of the Claim of William Goede, Which Claim Was Disallowed by the Industrial Accident Board Because It was Not presented Within Six (6) Months Following the Date of the Injury.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifteen Hundred Dollars (\$1500.00) or so much thereof as may be necessary is hereby appropriated out of any moneys in the Industrial Accident Fund of the State of Montana for payment of the claim of William Goede of Troy, Montana, for total blindness of the left eye, which claim was disallowed by the Industrial Accident Board because said claim was not presented within six (6) months from the date of the happening of the accident, provided, however, that before said money shall be paid to said William Goede, that the said Industrial Accident Board shall investigate and determine the validity of said claim, and if said board shall find that said claim of the said William Goede would have been a just and valid claim in the sum of Fifteen Hundred Dollars (\$1500.00) or any less amount, had the same been presented in time, then, the said Board is hereby authorized and empowered to pay such amount as said Board shall allow, not to exceed Fifteen Hundred Dollars (\$1500.00).

Section 2. The Industrial Accident Board is hereby authorized to pay out of the Industrial Accident Fund to the said William Goede the said amount.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved February 21, 1927.

TWENTIETH LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 179.

A Supplementary Appropriation Bill Authorizing the Purchase of Fire Extinguishers by State Board of Examiners for Use at the State Capitol Building.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners is hereby authorized and empowered to requisition the Purchasing Department for four (4) forty (40) gallon soda and acid fire extinguishers on trucks and to install the same at the State Capitol Building at a total cost of not to exceed Seven Hundred Seventy Dollars (\$770.00).

Section 2. The sum of Seven Hundred Seventy Dollars (\$770.00) or so much thereof as may be necessary is hereby appropriated from the Treasury of the State of Montana to carry out the provisions of this Act.

Section 3. This Act shall take effect upon its passage and approval.

Approved February 25, 1927.

HOUSE BILL NO. 182.

An Act Appropriating Money for the Payment of a Claim of Conybeare, Church and Davidson of Lethbridge, Alberta, Canada, for Legal Services Performed at the Request of Agents of the State of Montana, in Connection With Extradition of Henry Cooch.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred Dollars (\$100.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of reimbursing Conybeare, Church and Davidson of Lethbridge, Alberta, Canada, for legal services performed at the request of Agents of the State of Montana in connection with the extradition of Henry Cooch.

Section 2. Appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1927.

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HOUSE BILL NO. 184.

An Act to Appropriate Money for the Purchase of Land for the Use of the Montana State Industrial School at Miles City, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twelve Thousand Eight Hundred Dollars (\$12,800.00), or so much thereof as shall be necessary, be, and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the purchase of additional land for the Montana State Industrial School at Miles City, Montana, said lands being described as follows:

Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-six (26) in Township Eight (8) North of Range Forty-seven (47) East of the Montana Principal Meridian, containing One Hundred and Sixty (160) acres, more or less.

Section 2. The State Board of Examiners is hereby directed to purchase the above and foregoing described property, and the State Auditor is hereby directed to draw a warrant therefor on the State Treasurer for such amount, payable to the owner or owners thereof when the owner or owners thereof shall tender a warranty deed to the State of Montana, together with an abstract of title to the same, both approved by the Attorney General, and surrender possession of said property and the whole thereof to the State of Montana.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1927.

HOUSE BILL NO. 197.

A Supplementary Appropriation Bill Appropriating Money for the State Board of Hail Insurance, the Administration of the Motor Vehicle License and Registration Laws, the Fish and Game Commission and Fire Marshal.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That for the period beginning July first, 1927 and ending June thirtieth, 1928, there is hereby appropriated to the use of the State Board of Hail Insurance the sum of Sixteen Thousand Dollars (\$16,000.00) from the Hail Insurance Administrative Fund

TWENTIETH LEGISLATIVE ASSEMBLY

for the payment of salaries, expenses of said Board and all other claims properly chargeable against said fund. There is also appropriated to the use of the State Board of Hail Insurance all moneys accruing to the State Hail Insurance Fund to the extent necessary to meet claims lawfully payable from said fund.

Section 2. That for the period beginning July 1, 1927 and ending June 30, 1928, there is hereby appropriated to the use of the Registrar of Motor Vehicles all moneys accruing to the Motor Vehicle Fund and to the Auto Theft Fund to the extent necessary to meet claims lawfully payable from said funds.

Section 3. That for the period beginning July 1st, 1927 and ending June 30, 1928 there is hereby appropriated for the use of the Fish and Game Commission all moneys accruing to the credit of the Fish and Game Fund and the Biological Fund, to the extent necessary to meet claims lawfully payable from said funds.

Section 4. That for the period beginning July 1, 1927 and ending June 30, 1928 there is hereby appropriated for the use of the Fire Marshal Department all moneys accruing to the credit of the Fire Marshal Fund, to the extent necessary to meet claims lawfully payable from said fund.

Section 5. That for the period beginning July 1, 1928 and ending June 30, 1929, there is hereby appropriated to the use of the State Board of Hail Insurance the sum of Sixteen Thousand Dollars (\$16,000.00) from the Hail Insurance Administrative Fund for the payment of salaries, expenses of said Board and all other claims properly chargeable against said fund. There is also appropriated to the use of the State Board of Hail Insurance all moneys accruing to the State Hail Insurance Fund to the extent necessary to meet claims lawfully payable from said fund.

Section 6. That for the period beginning July 1, 1928 and ending June 30, 1929, there is hereby appropriated to the use of the Registrar of Motor Vehicles all moneys accruing to the Motor Vehicle Fund and to the Auto Theft Fund to the extent necessary to meet claims lawfully payable from said funds.

Section 7. That for the period beginning July 1, 1928 and ending June 30, 1929, there is hereby appropriated for the use of the Fish and Game Commission all moneys accruing to the credit of the Fish and Game Fund and the Biological Fund to the extent necessary to meet claims lawfully payable from said funds.

Section 8. That for the period beginning July 1, 1928 and ending June 30, 1929, there is hereby appropriated for the use of the Fire Marshal Department all moneys accruing to the credit of the Fire

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Marshal Fund, to the extent necessary to meet claims lawfully payable from said fund.

Section 9. This Act shall take effect from and after July 1, 1927.

Approved March 16, 1927.

HOUSE BILL NO. 205.

An Act to Appropriate Money for the Payment of Assessments and Interest on Delinquent Assessments on Certain School Lands in Big Lake Drain District No. 1, Stillwater County, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seven Thousand Two Hundred Twenty-eight and 58/100 Dollars, (\$7228.58), or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of assessments levied by the commissioners of Big Lake Drain District No. 1, Stillwater County, Montana, against state school lands situate in and a part of said Big Lake Drain District No. 1, Stillwater County, Montana, together with interest on delinquent assessments. The lands against which such assessments have been made and are unpaid are as follows, to-wit:

Sections Sixteen and Thirty-six, in Township Two North of Range Nineteen East, M. P. M.;

The North Half and the Southwest Quarter of Section Thirty-six, in Township Three North of Range Twenty East, M. P. M.;

The Northwest Quarter and the South Half of Section Thirty-six in Township Three North of Range Twenty-one East, M. P. M.;

The South Half of Section Thirty-six, in Township Four North, of Range Nineteen East, M. P. M.;

The Northeast Quarter of Section Thirty-six, in Township Four North of Range Twenty East, M. P. M.;

The Southwest Quarter of Section Thirty-six, in Township Three North of Range Twenty-two East, M. P. M.;

The East Half, the East Half of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter of Section Thirty, in Township Three North of Range Twenty-two East, M. P. M.;

The North Half of Section Thirty-six, in Township Four North of Range Nineteen East, M. P. M.;

Section Eighteen, in Township Three North of Range Twenty-two East, M. P. M.;

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The South Half of Section Thirty-six, in Township Four North of Range Twenty-one East, M. P. M.;

The South Half of Section Thirty-six, in Township Four North of Range Twenty-one East, M. P. M.;

Section Sixteen, in Township Three North of Range Twenty-one East, M. P. M.;

Section Sixteen, in Township Three North of Range Twenty East, M. P. M.;

The Southeast Quarter of Section Sixteen, in Township Two North of Range Twenty-two East, M. P. M.;

Section Sixteen, in Township Three North of Range Nineteen East, M. P. M.;

The Northwest Quarter of Section Thirty-six, in Township Three North of Range Nineteen East, M. P. M.;

The Northwest Quarter and the South Half of Section Thirty-six, in Township Four North of Range Twenty East, M. P. M.;

The Northwest Quarter of Section Thirty-six in Township Two North, of Range Twenty East, M. P. M.;

The North Half of Section Sixteen, in Township Two North of Range Twenty East, M. P. M.;

Section Sixteen, in Township Two North of Range Twenty-one East, M. P. M.;

Fractional Southwest Quarter, and fractional South Half of the Southeast Quarter of Section Thirty-six, in Township Two North of Range Twenty-one East, M. P. M.;

The East Half and the Southwest Quarter of Section Thirty-six, in Township Two North of Range Twenty East, M. P. M.;

The Southeast Quarter of Section Twenty-four, in Township Three North, of Range Twenty-one East, M. P. M.;

The Northeast Quarter of Section Thirty-six, in Township Three North of Range Twenty-one East, M. P. M.;

The Southeast Quarter of Section Thirty-six, in Township Three North of Range Twenty East, M. P. M.;

The North Half of Section Twenty-four, in Township Three North of Range Twenty-one East, M. P. M.;

The North Half of Section Thirty-six, in Township One North of Range Twenty East, M. P. M.;

Section Sixteen, in Township One North of Range Twenty East, M. P. M.;

The Northwest Quarter of Section Sixteen, in Township One North of Range Twenty-one East, M. P. M.;

The Southwest Quarter of Section Sixteen, in Township Two North of Range Twenty-two East, M. P. M.;

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The Northwest Quarter of Section Sixteen, in Township One North of Range Twenty-two East, M. P. M.;

The North Half and the Southwest Quarter of Section Thirty-six, in Township Three North of Range Twenty East, M. P. M.;

The Northwest Quarter and the South Half of Section Thirty-six, in Township Three North of Range Twenty-one East, M. P. M.;

The South Half of Section Thirty-six, in Township Four North, of Range Nineteen East, M. P. M.;

The Northeast Quarter of Section Thirty-six, in Township Four North of Range Twenty East, M. P. M.;

The Southwest Quarter of Section Thirty-six, in Township Three North of Range Twenty-two East, M. P. M.;

The East Half, the East Half of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter, of Section Thirty, in Township Three North of Range Twenty-two East, M. P. M.;

The North Half of Section Thirty-six, in Township Four North of Range Nineteen East, M. P. M.;

Section Eighteen, in Township Three North of Range Twenty-two East, M. P. M.;

Section Sixteen, in Township Three North of Range Twenty-one East, M. P. M.;

The South Half of Section Thirty-six, in Township Four North of Range Twenty-one East, M. P. M.;

Section Sixteen, in Township Three North of Range Twenty East, M. P. M.;

The Southeast Quarter of Section Sixteen, in Township Two North of Range Twenty-two East, M. P. M.;

Section Sixteen, in Township Three North of Range Nineteen East, M. P. M.;

The Northwest Quarter of Section Thirty-six, in Township Three North of Range Nineteen East, M. P. M.;

The Northwest Quarter and the South Half of Section Thirty-six, in Township Four North of Range Twenty East, M. P. M.;

The Northwest Quarter of Section Thirty-six, in Township Two North, of Range Twenty East, M. P. M.;

The North Half of Section Sixteen, in Township Two North of Range Twenty East, M. P. M.;

Section Sixteen, in Township Two North of Range Twenty-one East, M. P. M.;

Fractional Southwest Quarter, and Fractional South Half of the Southeast Quarter of Section Thirty-six, in Township Two North of Range Twenty-one East, M. P. M.;

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The East Half and the Southwest Quarter of Section Thirty-six, in Township Two North of Range Twenty East, M. P. M.;

The Southeast Quarter of Section Twenty-four, in Township Three North, of Range Twenty-one East, M. P. M.;

The Northeast Quarter of Section Thirty-six, in Township Three North of Range Twenty-one East, M. P. M.;

The Southeast Quarter of Section Thirty-six, in Township Three North of Range Twenty, East, M. P. M.;

The North Half of Section Twenty-four, in Township Three North of Range Twenty-one East, M. P. M.;

The North Half of Section Thirty-six, in Township One North of Range Twenty East, M. P. M.;

Section Sixteen, in Township One North of Range Twenty East, M. P. M.;

The Northwest Quarter of Section Sixteen, in Township One North of Range Twenty-one East, M. P. M.;

The Southwest Quarter of Section Sixteen, in Township Two North of Range Twenty-two East, M. P. M.; and

The Northwest Quarter of Section Sixteen, in Township One North of Range Twenty-two East, M. P. M.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved March 12, 1927.

HOUSE BILL NO. 220.

An Act Appropriating Money for the Purpose of Insuring Securities Held by the State Treasurer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Seven Hundred Thirty-one Dollars and Thirty-eight Cents (\$1731.38) is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of insuring for a period of three years, One Million Dollars (\$1,000,000.00) in securities held by the State Treasurer.

Section 2. This Act shall be in full force and effect from and after its passage and approval, notwithstanding the provisions of Section 8 of the Budget Act (Section 301 of the Revised Codes of 1921).

Approved February 26, 1927.

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HOUSE BILL NO. 238.

An Act Directing the State Board of Prison Commissioners to Purchase Lots, One, Two, Three, Four, Five and Six of Block Sixty-one of the Original Townsite of Deer Lodge, Montana, Together With the Improvements Thereon and the Fixtures and Equipment Now used in Connection therewith, at a price of Fifteen Thousand Dollars (\$15,000.00), to be Used as a Residence for the Warden of the Montana State Prison, and Making An Appropriation Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated Fifteen Thousand Dollars (\$15,000.00) out of any unexpended portions of the money in the State Treasury heretofore appropriated for the use of the Montana State Prison, for the fiscal years ending June 30, 1926, and June 30, 1927 respectively, or either or both thereof not to exceed the sum above mentioned, for the purchase of Lots one (1), two (2), three (3), four (4), five (5), and six (6) of Block No. sixty-one (61) of the original townsite of Deer Lodge, Montana, together with the improvements thereon, and the fixtures and equipment connected on and in said improvements and property and now used in connection therewith, from the owner or owners thereof; and the State Board of Prison Commissioners is hereby directed to purchase the above and foregoing described property, and the State Auditor is hereby directed to draw a warrant therefor on the State Treasurer for such amount, payable to the owner or owners thereof when the owner or owners thereof shall tender a warranty deed to the State of Montana, together with an abstract of title to the same, both approved by the Attorney General, and surrender possession of said property and the whole thereof to the State of Montana. This property shall be used by the Warden of the Montana State Prison as a residence, and for such other uses as the Board of Prison Commissioners shall direct.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1927.

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HOUSE BILL NO. 260.

An Act Appropriating Money for the Payment to Custer County Free High School of Custer County, Montana, for Expenses Incurred and being incurred in Furnishing High School Training and Education to State Charges and Inmates of the Montana State Industrial School.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eleven Hundred Eighteen and 63/100 Dollars (\$1118.63), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying Custer County Free High School of Custer County, Montana, on account of expenses incurred and to be incurred for the year 1926-1927 in furnishing high school training and education to state charges and inmates of the Montana State Industrial School at Miles City, Montana.

Section 2. This Act to be in full force and effect from and after its passage and approval.

Approved March 12, 1927.

HOUSE BILL NO. 265.

A Supplementary Appropriation Bill Appropriating Money to Build and Equip a Laboratory for the Purpose of Conducting Experiments and Other Work for the Control of Rocky Mountain Spotted Fever and Insect-borne Diseases.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. WHEREAS, The State Board of Entomology has heretofore conducted work in co-operation with the United States Public Health Service in the Bitterroot Valley for the control of Rocky Mountain Spotted Fever; and,

WHEREAS, Said work has been carried on in a wholly inadequate building, the title to which is now in litigation and under conditions seriously endangering the lives of all the laboratory workers and all other persons who enter said building; and,

WHEREAS, As a result of said research vaccine has been discovered which gives promise of protection against Spotted Fever; and,

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WHEREAS, Said vaccine must be partly produced in Montana, but, under existing facilities cannot be finally completed in this State; and,

WHEREAS, A parasite has also been found which will destroy the Spotted Fever tick but which requires laboratory facilities for its production and distribution; and,

WHEREAS, The Spotted Fever tick is also the cause of two (2) other dangerous diseases in addition to Spotted Fever, and said tick is now found in nearly all Sections of Montana and its control and elimination is a most vital matter of state wide concern:

NOW, THEREFORE, there is hereby appropriated out of the State Treasury the sum of Sixty Thousand Dollars (\$60,000.00) or such part thereof as may be needed to secure a site for, build and equip a laboratory at some point in the Bitterroot Valley of Montana, to be selected by the State Board of Entomology, for carrying on the work of said Board in the control and eradication of Rocky Mountain Spotted Fever and other insect-borne diseases.

Section 2. The money appropriated by this Act shall be expended by the State Board of Entomology for the purposes herein designated, but all bills shall be audited and approved by the State Board of Examiners in the manner provided by law. Said Board of Examiners shall also let the contract for said laboratory on plans and specifications approved by the Board of Entomology.

Section 3. This Act shall be effective upon its passage and approval.

Approved March 16, 1927.

HOUSE BILL NO. 269.

An Act to appropriate Money for the Payment of a Claim of Robert Fleming as Compensation to Him for Expenses, Loss of Time and Injury Caused by Loss of an Arm in the Course of His Employment as a Special Deputy Sheriff of Flathead County, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-six Hundred Dollars (\$2600.00) is hereby appropriated out of any moneys in the General Fund not otherwise appropriated for the payment of the Claim of Robert Fleming of Kalispell, Montana, for compensation to him for expenses, loss of time and injury resulting from the loss of an

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arm while in the course of active employment as a Special Deputy Sheriff of Flathead County, Montana.

Section 2. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1927.

HOUSE BILL NO. 283.

An Act Appropriating Money for the Payment of Certain Obligations Incurred on Behalf of the State Forest Department on Account of Fire Suppression During the Years 1919, 1920 and 1926, Under Cooperative Agreements With the Northern Montana Forestry Association.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Thousand Nine Hundred Ninety Dollars and Sixty-five Cents (\$6990.65) be, and the same is hereby appropriated out of any moneys now in the State Treasury, not otherwise appropriated for the payment of certain obligations incurred on behalf of the State Forest Department on account of fire suppression during the years 1919, 1920 and 1926, under cooperative agreements with the Northern Montana Forestry Association.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1927.

HOUSE BILL NO. 301.

An Act Appropriating Money for the State Highway Commission for the Period Beginning July 1, 1927 and ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all moneys deposited by law with the State Treasurer to the credit of the State Highway Fund during the period from July 1, 1927 to June 30, 1929, including the unexpended balance in that fund on June 30, 1927, but excluding moneys

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being held in that fund for refund or drawback purposes, and excluding moneys specifically appropriated from that fund for the expense of collection and enforcement of the Gasoline Tax Collection Act, for the administration of the refund or drawback Act, and for the Gasoline Laboratory Testing Act, are hereby appropriated for the use of the State Highway Commission during this period, to be expended by that Commission in carrying out the provisions of Initiative Measure Number 31, adopted November 2, 1926; in carrying out the provisions of Acts supplemental thereto; and likewise in carrying out the provisions of Sections 1783 to 1802 inclusive of the Revised Codes of Montana, 1921, as amended. Provided, that the total cost to the state for administration and engineering on the Federal Aid Work contemplated by Initiative Measure Number 31 shall not exceed for any fiscal year eight per cent (8%) of the total of State, Federal Aid and other available funds expended under the supervision of the State Highway Commission.

Approved March 12, 1927.

HOUSE BILL NO. 302.

An Act Appropriating Money for the State Highway Commission for the Period Beginning January 1, 1927, and Ending June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all moneys deposited by law with the State Treasurer to the credit of the State Highway Fund during the period from January 1, 1927, to June 30, 1927, including the unexpended balance in that fund on December 31, 1926, but excluding moneys being held in that fund for refund or drawback purposes, and excluding moneys specifically appropriated from that fund for the expense of collection and enforcement of the Gasoline Tax Collection Act, for the administration of the refund or drawback Act, and for the Gasoline Laboratory Testing Act, are hereby appropriated for the use of the State Highway Commission during this period, to be expended by that Commission in carrying out the provisions of Initiative Measure Number 31, adopted November 2, 1926; in carrying out the provisions of Acts supplemental thereto; and likewise in carrying out the provisions of Sections 1783 to 1802 inclusive, of the Revised Codes of Montana, 1921, as amended. Provided, that the total cost to the State for administration and engineering on the Federal Aid work contemplated by Initiative Measure Number 31 shall not exceed, for any fiscal year, eight

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percent of the total of State, Federal Aid and other available funds expended under the supervision of the State Highway Commission.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1927.

HOUSE BILL NO. 304.

An Act to Appropriate Money for the Operation and Maintenance of the Agricultural Experiment Station and Sub-Stations and for Farmers Extension Work for the period Beginning July 1, 1927, and Ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1927, and ending June 30, 1928:

For the payment of salaries and other expenses of the Agricultural Experiment Station at the Home Station, Bozeman, Seventy Thousand Dollars.....	\$70,000.00
For the payment of salaries and other expenses of the Grain Laboratory, Nine Thousand Dollars.....	\$ 9,000.00
For expense of special soil survey and publication of soil maps by the Agricultural Experiment Station, Three Thousand Five Hundred Dollars	\$ 3,500.00
For the payment of salaries and other expenses of the Horticultural Branch Station, Five Thousand Dollars	\$ 5,000.00
For the payment of salaries and other expenses of the Huntley Branch Station, Two Thousand Five Hundred Dollars	\$ 2,500.00
For the payment of salaries and other expenses of the Judith Basin Branch Station, Eleven Thousand Dollars	\$11,000.00
For the payment of salaries and other expenses of the Northern Montana Branch Station, Sixteen Thousand Dollars	\$16,000.00

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For the payment of salaries and other expenses of the Fort Keogh Livestock Branch Station, One Thousand Dollars	\$ 1,000.00
For repairs and alterations on the buildings at Fort Assinaboine used by the North Montana Sub-Station Experimental Farm and Northern Montana Agricultural and Manual Training School, Five Thousand Dollars....	\$ 5,000.00
For Farmers' Extension Work, in co-operation with the Federal Government under the Smith-Lever Act and other Acts of Congress relating to such work, Eighty-Five Thousand Dollars	\$85,000.00
For equipment and expenses in connection with a summer agricultural school at the Northern Montana Agricultural and Manual Training School, Five Thousand Dollars	\$ 5,000.00

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1928 and ending June 30, 1929 :

For the payment of salaries and other expenses of the Agricultural Experiment Station at the Home Station, Bozeman, Seventy Thousand Dollars.....	\$70,00.00
For the payment of salaries and other expenses of the Grain Laboratory, Nine Thousand Dollars.....	\$ 9,000.00
For expense of special soil survey and publication of soil maps by the Agricultural Experiment Station, Three Thousand Five Hundred Dollars.....	\$ 3,500.00
For the payment of salaries and other expenses of the Horticultural Branch Station, Five Thousand Dollars	\$ 5,000.00
For the payment of salaries and other expenses of the Huntley Branch Station, Two Thousand Five Hundred Dollars	\$ 2,500.00
For the payment of salaries and other expenses of the Judith Basin Branch Station, Eleven Thousand Dollars	\$11,000.00
For the payment of salaries and other expenses of the Northern Montana Branch Station, Sixteen Thousand Dollars	\$16,000.00
For the payment of salaries and other expenses of the Fort Keogh Livestock Branch Station, One Thousand Dollars	\$ 1,000.00

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For repairs and alterations on the buildings at Fort Assinnaboine used by the North Montana Sub-Station Experimental Farm and Northern Montana Agricultural and Manual Training School, Five Thousand Dollars	\$ 5,000.00
For Farmers' Extension Work, in co-operation with the Federal Government under the Smith-Lever Act and other Acts of Congress relating to such work, Eighty-five Thousand Dollars	\$85,000.00
For equipment and expenses in connection with a summer agricultural school at the Northern Montana Agricultural Manual Training School, Five Thousand Dollars	\$ 5,000.00

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all income of said institutions from all permanent funds and endowments, and from all land grants; from all fees and earnings of said institutions, from whatever source they may be derived; and from all contributions derived from public or private bounty.

STATE OF MONTANA.
OFFICE OF THE GOVERNOR.

Helena, March 16, 1927.

HON. R. N. HAWKINS,

Secretary of State, Helena, Montana.

Dear Sir: I am transmitting herewith House Bill No. 304 passed by the Twentieth Legislative Assembly, appropriating money for the operation and maintenance of the Agricultural Experiment Stations and Sub-Stations for farmers' extension work, for the period beginning July 1, 1927, and ending June 30, 1929, with my approval, except the specific paragraph and item in said bill which provides that \$5,000.00 be appropriated for repairs and alterations on the buildings at Fort Assinniboine used by the Northern Montana Sub-Station, Experimental Farm and Northern Montana Agricultural and Manual Training School for the fiscal year beginning July 1, 1927, and ending June 30, 1928; also the paragraph in said bill which provides for an appropriation for \$5,000.00 for repairs and alterations on the buildings at Fort Assinniboine used by the Northern Montana Sub-Stations, Experimental Farm and Northern Montana Agricultural and Manual Training School for the fiscal year beginning July 1, 1928, and ending June 30, 1929.

I am disapproving of these items because of the heavy drain that has been made upon the general fund by the Legislature. It appears that the appropriations made and already approved will

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exceed the probable income of the coming biennium, and the purpose of this appropriation does not seem to be sufficiently urgent to justify this expenditure. The bill under consideration has made liberal appropriation for maintaining and conducting this activity of the State, and there will be sufficient funds to maintain and operate this station without the items herein disapproved.

These two specific items and paragraphs are disapproved, and all other sums and items in said bill are approved.

Respectfully submitted,

J. E. ERICKSON, Governor.

HOUSE BILL NO. 305.

A Supplementary Appropriation Bill Appropriating Money to Refund Fallon County for Money Paid to Its Sheriff, C. E. Burrell, for the Extradition of Roy A. Gilman.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. WHEREAS, C. E. Burrell, the Sheriff of Fallon County returned one, Roy E. Gilman from Chicago, Illinois to Baker, Montana, in November 1925 as a fugitive from the justice of the State of Montana; and

WHEREAS, No warrant was issued by the Governor for the return of said fugitive, and by the reason of said fact his return to the extent of One Hundred Thirty-three and 01/100 Dollars (\$133.01) was paid by Fallon County to the said C. E. Burrell;

Now THEREFORE, The State Board of Examiners is hereby empowered to allow the claim against the State in favor of Fallon County, for not to exceed One Hundred Thirty-three and 01/100 Dollars (\$133.01), in payment of the expenses aforesaid. The sum of One Hundred Thirty-three and 01/100 Dollars (\$133.01) or so much thereof as may be necessary is hereby appropriated out of the Treasury of the State of Montana, for the purpose of carrying out the terms of this Act.

Section 2. This Act shall take effect upon its passage and approval.

Approved March 12, 1927.

TWENTIETH LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 306.

An Act to Appropriate Funds for the Payment of Claims Due to the Industrial Accident Board of the State of Montana, as Assessments Against Certain State Institutions From January 1 to June 30, 1925.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Hundred Eighty-four and 67/100 Dollars (\$384.67), or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the following claims for assessments due to the Industrial Accident Board of the State of Montana by The Montana State Hospital at Warm Springs, Montana, for the period January 1 to June 30, 1925, and for which no appropriation now exists;

Montana State Hospital, Three Hundred Eighty-four and 67/100 Dollars\$384.67

Section 2. Appropriation herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved February 26, 1927.

HOUSE BILL NO. 307.

An Act Making An Additional Appropriation of Money for the Maintenance of Certain State Departments for the Period July 1, 1925, up to and Including June 30, 1927..

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Thousand Dollars (\$5,000.00) or so much thereof as may be necessary be and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the payment of the maintenance and operating expenses of the Veteran's Welfare Commission for the period beginning January 1st, 1927, and ending June 30th, 1927.

(1) For the operation and maintenance of the Governor's Mansion for the year ending June 30, 1927, the appropriation made by the Nineteenth Legislative Assembly having been found to be insufficient, Twenty-two Hundred Dollars\$ 2,200.00

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(2) For the payment of salaries, supplies and other expenses in connection with the operation and maintenance of the Montana Soldiers' Home for the year ending June 30, 1927, the appropriation made by the Nineteenth Legislative Assembly having been found to be insufficient, Twenty-five Hundred Dollars.....\$ 2,500.00

(3) For the payment of salaries, supplies and other expenses in connection with the operation and maintenance of the Veterans' Welfare Commission for the year ending June 30, 1927, the appropriation made by the Nineteenth Legislative Assembly having been found to be insufficient, Five Thousand Dollars.....\$ 5,000.00

(4) For the payment of salaries, supplies and other expenses in connection with the operation and maintenance of the Railroad Commission for the year ending June 30, 1927, the appropriation made by the Nineteenth Legislative Assembly having been found to be insufficient, Eleven Thousand Dollars.....\$11,000.00

(5) For the payment of salaries, supplies and other expenses in connection with the operation and maintenance of the Board of Examiners for the year ending June 30, 1927, the appropriation made by the Nineteenth Legislative Assembly having been found insufficient, Three Thousand Dollars\$ 3,000.00

(6) For the payment of salaries, supplies and other expenses in connection with the operation and maintenance of the office of the Board of Medical Examiners for the year ending June 30, 1927, the appropriation made by the Nineteenth Legislative Assembly having been found to be insufficient, Eight Hundred Twenty-four and 60/100 Dollars\$ 824.60

(7) For the payment of mileage and per diem and other expenses in connection with the operation and maintenance of the Board of Education for the year ending June 30, 1927, the appropriation made by the Nineteenth Legislative Assembly having been found to be insufficient, Two Hundred Sixty Dollars.....\$ 260.00

Section 2. This Act shall be in full force and effect from and after its passage and approval.

STATE OF MONTANA.

OFFICE OF THE GOVERNOR.

Helena, March 16, 1927.

HON. R. M. HAWKINS,

Secretary of State, Helena, Montana.

Dear Sir: House Bill No. 307, "An Act making an additional appropriation of money for the maintenance of certain State Departments for the period from July 1, 1925, up to and including June 30, 1927", which is transmitted herewith, is approved in respect to the following items contained in said Bill;

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Section 1, appropriating the sum of \$5,000.00 for payment of maintenance and operating expenses of the Veterans' Welfare Commission for the period beginning January 1, 1927, and ending June 30, 1927, is approved; and

Paragraph (7) of said Section 1, appropriating the sum of \$260.00 for the payment of mileage and per diem and other expenses of the State Board of Education for the year ending June 30, 1927, is approved.

The remaining paragraphs of said Section 1 of House Bill No. 307 are disapproved for the following reasons:

Paragraph (1) of said Section 1, appropriating \$2,200.00 for operation and maintenance of the Governor's Mansion for the year ending June 30, 1927, is disapproved for the reason that said appropriation is carried in House Bill No. 327, which is this day approved;

Paragraph (2) of said Section 1, appropriating \$2,500.00 for operation and maintenance of the State Soldiers Home for the year ending June 30, 1927, is disapproved for the reasons that said appropriation is carried in House Bill No. 326, which is this day approved;

Paragraph (3) of said Section 1, appropriating \$5,000.00 for operation and maintenance of the Veterans' Welfare Commission for the year ending June 30, 1927, is disapproved for the reason that said appropriation is plainly a duplication of Section 1 of said House Bill No. 307, which said Section 1 is this day approved;

Paragraph (4) of said Section 1, appropriating \$11,000.00 for operation and maintenance of the Railroad Commission for the year ending June 30, 1927, is disapproved for the reason that this appropriation is carried in House Bill No. 322, which is this day approved;

Paragraph (5) of said Section 1, appropriating \$3,000.00 for operation and maintenance of the Board of Examiners for the year ending June 30, 1927, is disapproved for the reason that this appropriation is carried in House Bill No. 328, which is this day approved;

Paragraph (6) of said Section 1, appropriating \$824.60 for operation and maintenance of the Board of Medical Examiners for the year ending June 30, 1927, is disapproved for the reason that said appropriation is carried in House Bill No. 325, which is this day approved.

Yours very Truly,

J. E. ERICKSON, Governor.

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HOUSE BILL NO. 308.

An Act Appropriating Money for the Purpose of Remodeling and Enlarging One of the Buildings at the Soldiers' Home for Hospital Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum of Fifteen Thousand Dollars (\$15,000.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury of the State of Montana, not otherwise appropriated, for the purpose hereinafter stated.

For the remodeling and enlarging of one of the buildings at the Soldiers' Home at Columbia Falls, Montana, for hospital purposes.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1927.

HOUSE BILL NO. 309.

An Act Appropriating Money for the Payment of the Claim of Andy Briscoe as Compensation or as a Pension for Injuries Received While on Duty in the Service of the State of Montana as a Private in the Service Company, 163rd Infantry, Montana National Guard.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Eight Hundred and Sixty Dollars (\$2860.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying the claim of Andy Briscoe for compensation or as a pension for injuries received while on duty in the service of the State as a private in the Service Company 163rd Infantry, Montana National Guard, at Helena, Montana, on the 10th day of June 1925; the said compensation or pension being provided for by Section 1376 of the Revised Codes of Montana of 1921.

Section 2. That the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer, payable to the said Andy Briscoe in the sum of One Thousand Three Hundred Dollars (\$1300.00) as a lump sum payment of the compensation from the date of the said accident to March 1, 1927; and the said State Auditor is further authorized and directed to draw war-

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rants on the State Treasurer payable to the said Andy Briscoe, on the first day of each and every month subsequent to February 1st, 1927, to and including the month of February, 1929, said warrants to be in the amount of Sixty-five Dollars (\$65.00).

Section 3. The money herein appropriated by the provisions of this Act shall not be paid to the said Andy Briscoe until the said Andy Briscoe shall have first filed with the State Board of Examiners a release of that part of his said claim which shall have accrued from the date of the said accident until the first day of March, 1927.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1927.

HOUSE BILL NO. 310.

An Act Appropriating Money for the Operation and Maintenance of the Eastern Montana State Normal School at Billings for the Period Beginning July 1, 1927, and Ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for the year beginning July 1st, 1927, and ending June 30th, 1928:

For the maintenance and operation of the Eastern Montana State Normal School at Billings, Fifty Thousand Dollars.....\$50,000.00

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for the year beginning July 1st, 1928, and ending June 30th, 1929:

For the maintenance and operation of the Eastern Montana State Normal School at Billings, Seventy Thousand Dollars.....\$70,000.00

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all fees and earnings of said institution, from whatever source they may be derived, and to all contributions from public or private bounty.

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Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1927.

SUBSTITUTE FOR HOUSE BILL NO. 313.

An Act Appropriating Money for the Operation and Maintenance of the Teaching Units of the Greater University of Montana and Students, Railroad Refund for the Period Beginning July 1, 1927 and Ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury from the one and one-half mill levy not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1927, and ending June 30, 1928.

For the payment of salaries and other expenses of the
State University, Three Hundred Fifty-eight Thou-
sand Seven Hundred Dollars\$358,700.00

For the payment of salaries and other expenses of the
State College of Agriculture and Mechanic Arts,
Two Hundred Six Thousand and Six Hundred
Twenty-five Dollars\$206,625.00

For the payment of salaries and other expenses of the
State School of Mines, Forty-eight Thousand Five
Hundred Dollars\$ 48,500.00

For the payment of salaries and other expenses of the
State Normal College, Eighty-six Thousand One
Hundred Seventy-five Dollars\$ 86,175.00

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to equalize the travelling fare of students in attendance upon the institutions of the University of Montana for the year beginning July 1, 1927, and ending June 30, 1928,

Ten Thousand Dollars\$ 10,000.00

Section 3. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury from the one and one-half mill levy

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not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1928 and ending June 30, 1929.

For the payment of salaries and other expenses of the State University, Three Hundred Fifty-eight Thousand and Seven Hundred Dollars.....	\$358,700.00
For the paying of salaries and other expenses of the State College of Agriculture and Mechanic Arts, Two Hundred Six Thousand Six Hundred Twenty-five Dollars	206,625.00
For the payment of salaries and other expenses of the State School of Mines, Forty-eight Thousand Five Hundred Dollars	\$ 48,500.00
For the payment of salaries and other expenses of the State Normal College, Eighty-six Thousand, One Hundred Seventy-five Dollars	86,175.00

Section 4. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to equalize the traveling fare of students in attendance upon the institutions of the University of Montana for the year beginning July 1, 1928, and ending June 30, 1929,
Ten Thousand Dollars\$ 10,000.00

Section 5. The sums appropriated in Sections 1 and 3 of this Act are in addition to all the income of said institutions from all permanent funds and endowments, and from all land grants; from all fees and earnings of said institutions, from whatever source they may be derived; and from all contributions derived from public or private bounty.

Section 6. The State Treasurer, State Auditor and State Accountant shall set up on their books a fund which shall contain the one and one-half mill levy from which the appropriations contained in Sections 1 and 3 of this Act are to be paid.

Section 7. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 8. It is hereby expressly declared that the provisions contained in Section 6 are not the inducement for the enactment of this Act and, in the event that said section shall be held unconstitutional, such determination shall not in any manner affect the remainder of the Act.

Approved March 12, 1927.

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HOUSE BILL NO. 314.

A Supplementary Appropriation Bill Appropriating Money for the Use of the Governor Upon the Issuance of Requisitions and for the Transportation of Prisoners From the Period Beginning December 1, 1926, and Ending June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the payment for the maintenance of certain State Departments up to and including June 30, 1927.

- | | |
|--|-----------|
| (1) For the transportation of prisoners, Four Thousand Dollars | \$4000.00 |
| (2) For the Governor's Requisitions, Two Thousand Dollars | \$2000.00 |

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1927.

HOUSE BILL NO. 315.

A Supplementary Appropriation Bill Appropriating Money Out of the Treasury of the State of Montana for the Use of the State Board of Equalization to Be Paid Out of Any Moneys Which Have Been or May Be Credited to the State Highway Fund in Carrying Out the Provisions of House Bills Nos. 117 and 119 of the 20th Legislative Assembly of 1927, Relative to Gasoline License Taxes and Rebates thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of the Treasury of the State of Montana the following sums for the use of the State Board of Equalization to be paid out of any moneys which have been or may be credited to the State Highway Fund in carrying out the provisions of House Bills No. 117 and No. 119 of the Twentieth Legislative Assembly relative to gasoline license taxes and rebates thereof, to-wit:

For the period beginning March 1, 1927 and ending June 30, 1927:

For the operating and maintenance of the office of the State Board of Equalization as follows:

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- (1) For salaries, Twenty-two Hundred Dollars.....\$2,200.00
The same being more particularly itemized as follows:
Salary of Auditor, Eight Hundred Dollars.....\$ 800.00
Salary of Assistant Auditor, Six Hundred Dol-
lars\$ 600.00
Salary of Field Man, Eight Hundred Dollars.....\$ 800.00
- (2) For Capital, Repairs and Replacements, Twelve
Hundred Eighty-five Dollars\$1,285.00
- (3) For Other Operating Expenses, Twenty-three Hun-
dred Ninety Dollars\$ 2,390.00

Section 2. There is hereby appropriated out of the Treasury of the State of Montana the following sums for the use of the State Board of Equalization to be paid out of any moneys which have been or may be credited to the State Highway Fund in carrying out the provisions of House Bill No. 117 and No. 119 of the 20th Legislative Assembly relative to gasoline license taxes and rebates thereof, to-wit:

For the period beginning July 1, 1927 and ending June 30, 1928:

- (1) For Salaries, Sixty-six Hundred Dollars.....\$6,600.00
The same being more particularly itemized as follows:
Salary of Auditor, Twenty-four Hundred Dol-
lars\$2,400.00
Salary of Assistant Auditor, Eighteen Hundred
Dollars\$1,800.00
Salary of Field Man, Twenty-four Hundred Dol-
lars\$2,400.00
- (2) For Capital, Repairs and Replacements, Two Hun-
dred Eighty Dollars\$ 280.00
- (3) For Other Operating Expenses, Forty-one Hundred
Twenty Dollars\$4,120.00

Section 3. There is hereby appropriated out of the Treasury of the State of Montana the following sums for the use of the State Board of Equalization to be paid out of any moneys which have been or may be credited to the State Highway Fund in carrying out the provisions of House Bill No. 117 and 119 of the Twentieth Legislative Assembly relative to gasoline license taxes and rebates thereof, to-wit:

For the period beginning July 1, 1928 and ending June 30, 1929:

- (1) For Salaries, Sixty-six Hundred Dollars.....\$6,600.00
The same being more particularly itemized as follows:
Salary of Auditor, Twenty-four Hundred Dol-
lars\$2,400.00

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Salary of Assistant Auditor, Eighteen Hundred Dollars	\$1,800.00
Salary of Field Man, Twenty-four Hundred Dollars	\$ 2,400.00
(2) For Capital, Repairs and Replacements, Two Hundred Eighty Dollars	\$ 280.00
(3) For Other Operating Expenses, Forty-one Hundred Twenty Dollars	\$4,120.00

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1927.

HOUSE BILL NO. 317.

An Act Appropriating Money for the Payment of Refunds or Drawbacks Under the Provisions of Chapter 17 of the Laws of the Twentieth Legislative Assembly, of License Taxes Paid by Dealers in Gasoline for the Two Years Beginning July 1, 1927, and ending June 30, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That a sum of money equal to the amount of all claims of refund or drawback allowed and approved during the year ending June 30, 1928, by the State Board of Equalization under the provisions of Chapter 17 of the Laws of the Twentieth Legislative Assembly, be, and the same is hereby, appropriated out of any money in the State Treasury to the credit of the State Highway Fund not otherwise appropriated, for the purpose of paying such refunds or drawbacks.

Section 2. That a sum of money equal to the amount of all claims of refund or drawback allowed and approved during the year ending June 30, 1929, by the State Board of Equalization under the provisions of Chapter 17 of the Laws of the Twentieth Legislative Assembly, be, and the same is hereby, appropriated out of any money in the State Treasury to the credit of the State Highway fund not otherwise appropriated, for the purpose of paying such refunds or drawbacks.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1927.

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HOUSE BILL NO. 318.

An Act Appropriating Money for the Payment of Refunds or Drawbacks Under the Provisions of Chapter 17 of the Laws of the Twentieth Legislative Assembly, of License Taxes Paid by Dealers in Gasoline for the Period Beginning January 1, 1927, and Ending June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That a sum of money equal to the amount of all claims of refund or drawback allowed and approved during the period beginning January 1, 1927, and ending June 30, 1927, by the State Board of Equalization under the provisions of Chapter 17 of the Laws of the Twentieth Legislative Assembly, be, and the same is hereby appropriated out of any money in the State Treasury to the credit of the State Highway Fund not otherwise appropriated, for the purpose of paying such refunds or drawbacks.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1927.

HOUSE BILL NO. 320.

An Act Making a Supplementary Appropriation Authorizing, Empowering and Directing the State Board of Examiners to Install a Water Works System at the Montana School for the Deaf and Blind at Boulder and Appropriating Money Therefor and Directing the Manner in Which It Shall Be Expended.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners of the State of Montana is hereby authorized, empowered and directed to procure and install at the Montana School for the Deaf and Blind at Boulder, a water works system and for that purpose to expend the moneys apportioned to said institution from the additional bond issue heretofore authorized by the voters of this State, said funds amounting to approximately Forty Thousand Dollars (\$40,000.00).

Section 2. The necessary materials for constructing said water works system shall be procured by the State Purchasing Agent. The necessary labor for constructing said water works system shall be performed as far as practical by inmates of the State Penitentiary at Deer Lodge, which inmates while so employed shall be under the direction, supervision and control of the Warden of the State

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Penitentiary, and shall be paid not to exceed Two Dollars (\$2.00) per day. Said water works system shall be so constructed as to obtain the source of supply from the north fork of the Little Boulder River. The construction work on said water works system shall commence within sixty (60) days from and after the passage and approval of this Act and shall be under the sole supervision of the State Engineer.

Section 3. In addition to the bond issue moneys referred to in Section 1 of this Act there is hereby appropriated out of the State Treasury the sum of Two Thousand Dollars (\$2,000.00), or so much thereof as may be necessary for the purpose of defraying the costs of installing the said water works system aforesaid; provided, however, that no part of said sum of Two Thousand Dollars (\$2,000.00) shall be expended for said purpose until all of the money available from said bond issue has first been used for the purpose authorized by this Act.

Section 4. This Act shall take effect upon its passage and approval.

Approved March 15, 1927.

HOUSE BILL NO. 322.

An Act Appropriating the Sum of Eleven Thousand Dollars (\$11,000.00), or so Much Thereof as May be Necessary, for the Administration of the Oil and Gas Division of the Board of Railroad Commissioners of the State of Montana and the Supervision of the Drilling, Plugging and Abandonment of Oil and Gas Wells in the State of Montana Up to July 1, 1927, and Declaring an Emergency and Making This Appropriation Immediately Available.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eleven Thousand Dollars (\$11,000.00), or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the State Treasury not otherwise appropriated, for the administration of the oil and gas division of the Board of Railroad Commissioners of the State of Montana, and for the supervision of the drilling, plugging and abandonment of oil and gas wells, subject to the jurisdiction of the State of Montana under the provisions of Chapter 56, Laws 1925.

Section 2. It is recognized and declared that an emergency exists, making imperative the conservation of the oil and gas re-

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sources in the state, whether the same are privately held or directly owned and possessed by the State of Montana, and that this measure is indispensable for the protection of the State's immediate property interests, and necessary to accomplish the prevention of waste, the prevention and extinguishment of fires, and the supervision of the drilling and abandonment of oil and gas wells within the State of Montana, excepting on Public lands subject to the act of congress, approved February 25, 1920, (Public 146).

Section 3. This appropriation shall be immediately available for use, and shall continue to be available up to July 1, 1927, when any balance not required for the settlement of claims incurred against said appropriation up to said date shall revert to the State Treasury.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1927.

HOUSE BILL NO. 323.

A Supplementary Appropriation Bill Appropriating the Sum of \$25,000.00 to Pay the Mileage and per Diem of the Members of the Senate and of the Managers Appointed by the House of Representatives of the State of Montana for the Trial of the Articles of Impeachment Preferred Against C. T. Stewart, Secretary of State, and to Defray All Other Expenses Incident to Said Impeachment Proceedings.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The sum of Twenty-five Thousand Dollars (\$25,000.00) or so much thereof as may be necessary is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the mileage and per diem of the members of the Senate and of the managers appointed by the House of Representatives of the State of Montana for the trial of the Articles of Impeachment preferred against C. T. Stewart, Secretary of State, and for the purpose of paying all other expenses incident to said Impeachment proceedings.

Section 2. This Act shall be in effect upon its passage and approval.

Approved March 12, 1927.

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HOUSE BILL NO. 324.

An Act Appropriating Money for the Payment of the Claim of Catharine Crossland Smith as Compensation for Expenses Incurred by Her Husband, the Late Robert B. Smith, While in the Performance of His Duties as Governor of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Whereas, the late Robert B. Smith, while in the performance of his duties as Governor of the State of Montana, incurred certain expenses, in the sum of not less than Four Thousand Two Hundred Dollars (\$4,200.00), paid from his personal funds and which have not been repaid by the State of Montana and which expenses constitute a valid claim against the State of Montana:

NOW, THEREFORE, there is hereby appropriated out of any moneys in the Treasury of the State of Montana, not otherwise appropriated, the sum of Four Thousand Two Hundred Dollars (\$4,200.00) for the payment of the said claim to Catharine Crossland Smith, the widow of the said Robert B. Smith, and the State Treasurer is hereby authorized and directed to draw his warrants on the General Fund, monthly on the first day of each and every month, beginning with the month of March, 1927, and ending with the month of June, 1929, payable to the said Catharine Crossland Smith, each of said warrants to be in the amount of One Hundred and Fifty Dollars (\$150.00).

Approved March 12, 1927.

HOUSE BILL NO. 325.

An Act Making an Additional Appropriation of Money for the Maintenance of Certain State Departments for the Period From July 1, 1925, Up to and Including June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary are hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the operation and maintenance of the State Board of Medical Examiners for the period beginning January 1st, 1927, and ending June 30th, 1927.

(1) For the payment of salaries, supplies and other expenses in connection with the operation and maintenance of the office of the Board of Medical Examiners for the year ending June 30, 1927, the appropriation made by the Nineteenth Legislative Assembly having

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been found to be insufficient, Eight Hundred Twenty-four and 60/100 Dollars\$824.60

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1927.

HOUSE BILL NO. 326.

An Act Making an Additional Appropriation of Money for the Maintenance of Certain State Departments for the Period From July 1, 1925, Up to and Including June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the operation and maintenance of the Montana Soldier's Home, for the period beginning January 1, 1927, and ending June 30th, 1927.

(1) For the payment of salaries, supplies and other expenses in connection with the operation and maintenance of the Montana Soldiers' Home for the year ending June 30, 1927, the appropriation made by the Nineteenth Legislative Assembly having been found to be insufficient, Twenty-five Hundred Dollars\$2,500.00

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1927.

HOUSE BILL NO. 327.

An Act Making an Additional Appropriation of Money for the Maintenance of Certain State Departments for the Period From July 1, 1925, Up to and Including June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the operation and maintenance of the Governor's Mansion for the period beginning January 1st, 1927, and ending June 30, 1927.

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(1) For the operation and maintenance of the Governor's Mansion for the year ending June 30, 1927, the appropriation made by the Nineteenth Legislative Assembly having been found to be insufficient, Two Thousand Two Hundred Dollars.....\$2200.00

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1927.

HOUSE BILL NO. 328.

An Act Making an Additional Appropriation of Money for the Maintenance of Certain State Departments for the Period From July 1, 1925, Up to and Including June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the operation and maintenance of the State Board of Examiners for the period beginning January 1st, 1927, and ending June 30, 1927.

(1) For the payment of salaries, supplies and other expenses in connection with the operation and maintenance of the Board of Examiners for the year ending June 30, 1927, the appropriation made by the Nineteenth Legislative Assembly having been found to be insufficient, Three Thousand Dollars.....\$3000.00

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1927.

HOUSE MEMORIAL NO. 1.

Memorial to the Legislative Assembly of the State of Minnesota, Requesting It to Investigate the Action of Hon. Theodore Christianson, Governor of the State of Minnesota, in Refusing to Honor the Requisition of the Governor of This State for the Surrender of A. M. Sheldon as a Fugitive From Justice.

WHEREAS, Heretofore, A. M. Sheldon, J. E. Arnot and A. P. Asal were jointly charged, by indictment found by a grand jury of Valley County, Montana, with the crime of making false reports to

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the Superintendent of Banks of this State, as officers of the State Bank of Nashua; and,

WHEREAS, J. E. Arnot and A. P. Asal have heretofore been tried in the District Court of Valley County before the court sitting with a jury and found guilty of the crime charged; and,

WHEREAS, A. M. Sheldon is now residing in the State of Minnesota; and,

WHEREAS, on application of C. H. Roberts as County Attorney of Valley County, Montana, the Hon. J. E. Erickson, Governor of this State, granted a requisition on the 17th day of June, 1926, to the Governor of the State of Minnesota for the surrender of said A. M. Sheldon to the proper authorities of this State as a fugitive from justice; and,

WHEREAS, Two hearings have been held before Hon. Theodore Christianson, Governor of the State of Minnesota, to determine whether there is any legal cause why the said requisition should not be honored, the last of which was in the month of September, 1926; and,

WHEREAS, The Hon. Theodore Christianson, Governor of the State of Minnesota, has failed and neglected to take any action on said requisition and has not honored the same; and,

WHEREAS, There appears to be no legal reason why the said requisition should not be honored and said A. M. Sheldon surrendered to the proper authorities of this State to the end that he may be tried on said indictment:

THEREFORE, be it resolved, by the House of Representatives of the Twentieth Legislative Assembly of the State of Montana, that it is the sense of the House of Representatives of this Legislature, that the Legislature of the State of Minnesota, through a committee, or other appropriate means, should investigate the matters herein referred to and request the Hon. Theodore Christianson as Governor of the State of Minnesota, to honor said requisition and surrender the said A. M. Sheldon to the proper authorities of the State of Montana as a fugitive from justice, to answer the indictment found against him.

BE IT FURTHER RESOLVED, that a copy of this memorial be forwarded to the Speaker of the House of Representatives of the State of Minnesota, to the Lieutenant Governor of the State of Minnesota and to the Hon. Theodore Christianson, Governor of the State of Minnesota.

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SENATE JOINT MEMORIAL NO. 1.

Memorial to the Congress of the United States, Praying for the Immediate passage of the Tyson-Fitzgerald Bill, An Act for the Relief of Disabled Emergency Army Officers, Now Pending.

To the Honorable Senate and House of Representatives in the Congress of the United States of America:

Your Memorialists, the members of the Twentieth Legislative Assembly of the State of Montana, the Senate and House concurring, Respectfully Represent:

WHEREAS, all other classes of officers who fought in the World War have been retired by Congress for their wounds, and the disabled emergency army officers alone have been denied retirement for their mutilations and disabilities, and

WHEREAS, more than 169 of these disabled army officers have died since this legislation has been before Congress, awaiting in vain the affirmative action of Congress, giving them the relief to which they were so justly entitled, and

WHEREAS, it is the claim of the veterans and organizations favoring the passage of this bill, that the same is being kept from being enacted into law by Parliamentary tactics alone, therefore,

BE IT RESOLVED, that the Congress of the United States be memorialized to take immediate action on said bill to the end that the same be enacted into law and this discrimination against the disabled emergency army officers be rectified at the earliest possible moment; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy to the President of the United States, to the President of the Senate, and the Speaker of the House of Representatives of the United States and to our Representative in the United States Congress.

Approved February 24, 1927.

SENATE JOINT MEMORIAL NO. 3.

Memorial to the Congress of the United States to Enact Such Legislation as May Be Necessary to Require Payment of All Moneys Received From Each Forest Reserve, After Deducting Administrative and Other Expenses, to the State or Territory in Which Such Forest Reserve Is Located for the Benefit of the Public Schools and Public Roads of Such State or Territory.

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To the Honorable Senate and House of Representatives of the United States of America:

Your Memorialists, the Members of the Twentieth Legislative Assembly of the State of Montana, the Senate and the House concurring, respectfully represent:

WHEREAS, by an Act of Congress of May 23, 1908, provision is made for payment of twenty-five (25) per centum of all moneys received from each forest reserve to the Treasurer of the State or Territory in which said reserve is located for the benefit of the public schools and public roads of the county or counties in which said forest reserve is located; and

WHEREAS, it is the belief of your Memorialists that each State and Territory is justly entitled to and should receive all of the moneys from the forest reserve in such State or Territory after deducting administrative and other expenses.

NOW, THEREFORE, BE IT RESOLVED, That it is the sense of the Legislative Assembly of the State of Montana that the Congress of the United States should enact such legislation as may be necessary to require the payment to each state and Territory in which forest reserves are located of all moneys received from such forest reserves less administrative and other expenses.

BE IT FURTHER RESOLVED, that a copy of this Memorial be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress.

Approved February 26, 1927.

SENATE JOINT MEMORIAL NO. 4.

A Memorial to the Senate of the United States Protesting Against the Enactment of House Calendar No. 204, S. 481 (Report No. 911), Commonly known as the "Corn Sugar Bill."

To the Honorable Senate of the Congress of the United States:

Your Memorialists, the Twentieth Legislative Assembly of the State of Montana, respectfully represent that,

WHEREAS, there is now pending before the Senate of the United States a bill commonly known as the Corn Sugar Bill, being House Calendar No. 204, S. 481 (Report No. 911), and

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WHEREAS, said Bill if enacted would permit the adulteration of about seventy-five per cent of our food products with corn sugar without declaring the presence of such sugar on the package or other container of such foods, and

WHEREAS, such adulteration is contrary to the existing provisions of the National Pure Food and Drug Law and would, if permitted, tend to weaken said law in a vital respect and to greatly reduce the efficiency thereof, and

WHEREAS, we regard the passage of such pending legislation as detrimental to the maintenance of the purity of food products,

THEREFORE, BE IT RESOLVED, by the Twentieth Legislative Assembly of the State of Montana, that we do hereby memorialize the Senate of the United States to refuse to enact the legislation aforesaid, and

BE IT FURTHER RESOLVED, that a copy of this Memorial be forwarded by the Secretary of State to the Senate and House of Representatives of the United States and to each of the senators and representatives in Congress from Montana.

Approved March 8, 1927.

HOUSE RESOLUTION NO. 1.

WHEREAS, for the information of the Members of the House of Representatives of the Twentieth Legislative Assembly of the State of Montana, and for the expedition of the business of said House, it is necessary that a daily synopsis of the proceedings of said House and a status sheet of bills be supplied to the Members,

NOW, THEREFORE, BE IT RESOLVED: That A. A. Pelletier a court reporter, be and he is hereby employed to collect the data necessary for such synopsis and data sheet; that for the duration of the Twentieth Legislative Assembly he shall report the proceedings and furnish such synopsis to the printer not later than nine o'clock p. m. of each day and shall prepare and furnish to the printer the aforesaid data sheet not later than noon of each Monday and Thursday; that he shall receive the sum of Six Hundred Dollars (\$600.00) as compensation for such services.

Approved January 7, 1927.

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HOUSE RESOLUTION NO. 5.

A Resolution Appointing a Special Committee for the Purpose of Assembling Data Concerning the Volume of Business Transacted by the Various Judicial Districts and District Courts of the State, Requiring the Committee to Report Such Information Back to the House of Representatives.

WHEREAS, the Governors of our State for many years past have urged upon the several Legislative Assemblies the advisability of re-districting the Judicial Districts and reducing the number of District Judges; and,

WHEREAS, every taxpayer in the State, of average powers of observation recognizes that few if any of our Honorable District Judges are overworked, and that many of them candidly admit that their districts and duties could be enlarged without affecting the efficiency of law administration; and,

WHEREAS, neighboring states with similar legal problems to administer are reported as administering their Judicial business with greatly reduced number of District Judges, as compared with the number Montana employs, population considered; and,

WHEREAS, no data has been compiled for the information of the Assembly relative to the business transacted by counties and district courts, and such information is easily available in the office of the several Clerks of Court of the State; and,

WHEREAS, it appears to be the general opinion that a detailed record of business transacted by our several District Courts and Judicial Districts will disclose and affirm as a fact that our Judicial business can be re-distributed and efficiently handled by a greatly reduced number of District Judges with attendant reduction in court expenses, and that such saving might amount to as much as One Hundred Thousand Dollars (\$100,000.00) per annum; and,

WHEREAS, it seems that information covering a term of years is necessary to the proper consideration of any proposal to re-district this State, and that such information should be available to this and future assemblies:

NOW, THEREFORE, be it resolved by the House of Representatives of the Twentieth Legislative Assembly of the State of Montana, that the Honorable Speaker shall appoint a committee of five members of this House, and that such committee be and is empowered to assemble facts and data from the Clerks of Court of the several counties of the State, showing the following definite data, to-wit:

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1. The number of criminal cases filed other than liquor violations;
2. The number of criminal cases filed, violation of liquor statutes;
3. The number of civil cases filed;
4. The number criminal cases tried by jury;
5. The number of criminal cases in which plea of guilty was entered;
6. The number of civil cases tried by jury;
7. The number of civil cases tried by court without jury;
8. The number of civil default cases;
9. The number of juvenile cases;
10. The number of probate matters;
11. The number of banks receiverships;
12. The number of widows pension matters;

Such other information as may seem advisable to such committee.

The above information should be obtained by such committee by correspondence, and should be assembled by calendar years for a series of five (5) years, last past.

BE IT FURTHER RESOLVED, that this committee be required to report back to the House at the earliest practicable date.

Approved February 21, 1927.

HOUSE JOINT RESOLUTION NO. 2.

A Resolution Ratifying an Amendment to the Constitution of the United States, Granting to the Congress of the United States the Power to Limit, Regulate and Prohibit the Labor of Persons Under Eighteen Years of Age.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Whereas, It has been resolved by the Senate and the House of Representatives of the Sixty-eighth Congress of the United States in Congress assembled (two-thirds of each House concurring therein) that the following Article be proposed to the Legislatures of the several states as an Amendment to the Constitution of the United States, which, when ratified by three fourths of the said Legislatures, shall be valid as part of said constitution, namely:

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Section 1. The Congress shall have power to limit, regulate and prohibit the labor of persons under eighteen years of age.

Section 2. The power of the several states is unimpaired by this Article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation, enacted by the Congress.

THEREFORE, BE IT RESOLVED by the Senate and House of Representatives of the State of Montana, that the said proposed Amendment to the Constitution of the United States of America be, and the same is hereby ratified by the Legislature of the State of Montana:

AND FURTHER, BE IT RESOLVED, that certified copies of this resolution be forwarded by the Governor of this State to the Secretary of State at Washington, D. C., and to the presiding officers of each House of the National Congress.

Approved February 11, 1927.

HOUSE JOINT RESOLUTION NO. 4.

WHEREAS, the railway companies operating within the State of Montana have shown a commendable cooperative spirit in the development of the state and have through their construction and operation contributed greatly to the prosperity of the state; and in view of the fact that prosperity in Montana, and the well being of its citizens is reflected in the prosperity of the railroads, confidence is expressed that this high degree of cooperation will be continued to the mutual benefit of the railway companies and the people of Montana; and

WHEREAS, work required to repair, renovate and rebuild defective or broken cars, coaches, locomotives or other railroad equipment at various division points and other places along the railroads of Montana seems for some years to have greatly decreased in amount; and,

WHEREAS, this condition has meant loss of employment to many mechanics, causing them to sacrifice their homes and move to other states, with resulting large losses to themselves and their families and in the value of their property and a large decrease in the sale of supplies and material and in other business lines all of large importance to the prosperity of our state;

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THEREFORE, BE IT RESOLVED, By the House of Representatives and the Senate of the Twentieth Legislative Assembly of the State of Montana, that all railway companies operating in this State be, and they are hereby requested, that in all cases where they have repair shops within this State where such work can be done and such defective or broken cars, coaches, locomotives or other equipment can be repaired therein, or renovated, or rebuilt, let the same be done by workmen employed in this state and in or about such shops located within the State.

This resolution shall not be construed as a request to such railways to in any way violate the Federal Safety Appliance Laws nor to haul disabled equipment a greater distance for repair at a point within this State than would be necessary to reach their repair shops in another;

BE IT FURTHER RESOLVED, That copies of this resolution duly authenticated be mailed by the Secretary of State to the Presidents and General Managers of all such railway systems operating within the State; to every Division and General Superintendent, and to every Division Master Mechanic of any such railway.

Approved February 25, 1927.

HOUSE JOINT RESOLUTION NO. 5.

Whereas, it has been duly made known to the proper authorities of this State that the Secretary of War of the United States has in his possession, as trustee, certain moneys known as "Other Funds" which had been collected for their own use and benefit by certain National Guard organizations that were broken up as units for or as the result of service in the World War, and have not been reconstituted; and

WHEREAS, it further appears that the Secretary of War, as trustee, desires to turn over to a substitute trustee, duly authorized by this State, such portion of the said funds as equitably belongs to the National Guard of this State,

NOW THEREFORE, be it resolved by the House of Representatives and Senate of the Twentieth Legislative Assembly of the State of Montana, that the Governor is hereby authorized to receive such funds as trustee, and to distribute them for the benefit of the National guard of this State, in such manner as his judgment shall dictate.

Approved March 7, 1927.

SENATE JOINT RESOLUTION NO. 2.

A Resolution Expressing the Desire of the People of the State of Montana to His Excellency the President of the United States of America That He Take Steps to Negotiate a Treaty With the Dominion of Canada in Furtherance of the Great Lakes-St. Lawrence Waterway.

WHEREAS, A Joint Board of Engineers representing the United States and Canada have officially and unanimously declared ship channel connection between the Great Lakes and the Atlantic by way of the St. Lawrence to be practical, and,

WHEREAS, The St. Lawrence Commission of the United States appointed to determine the need of such a waterway has unanimously declared, in its report to the President, made December 27th, 1926, that:

“The Construction of the shipway from the Great Lakes to the sea is imperative both for the relief and for the future development of a vast area in the interior of the continent” and that:

“It has been estimated that the values of a single year to the farmers alone would equal the capital cost of the waterway” and that:

“The economic importance of the Improvement would be far greater than the savings made upon the actual tonnage transported, important though that would be.” and,

WHEREAS, The growth of the State of Montana, the development of her agricultural and mineral resources, her present prosperity and her future welfare all demand permanent relief from the existing high transportation costs to and from the markets of the world, and require that freedom to enter into world commerce now denied to her by reason of distance from the Atlantic ocean—a situation resulting in a combined rail-and-ocean transportation cost, prohibitive to many of her potential industries, and oppressive to those industries which now exist, and,

WHEREAS, The St. Lawrence waterway would give to the State of Montana a sea base fourteen hundred miles nearer to her eastern border than at present, and by such removal would permanently lower her rail-and-ocean costs of transportation to and from world markets; would increase the demand for her agricultural products; would stimulate the development of her mineral wealth; would invite new enterprise, and, generally, would assure to her citizens an enlarged and abiding prosperity,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA, THE HOUSE OF REPRESENTA-

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TIVES CONCURRING That we do most earnestly urge upon the President of the United States of America, the imperative national need of such waterway, and that we do further express to him the desire of the People of the State of Montana that immediate steps be taken for the negotiation of a treaty with the Dominion of Canada in furtherance of the Great Lakes-St. Lawrence waterway:

Approved February 7, 1927.

SENATE JOINT RESOLUTION NO. 4.

A Resolution Expressing the Desire of the People of the State of Montana to His Excellency the President of the United States of America and to the Congress of the United States That they Take Into Consideration the Necessity on the Part of the Agricultural Interests of the State of Montana for Legislation to Relieve the Present Depression Which Exists in That Industry and to Set Forth the Causes and Some Suggestions for a Solution.

BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA, THE HOUSE OF REPRESENTATIVES CONCURRING:

WHEREAS, Congress has, through special legislation, in the form of protective tariff, protected the product of labor and industry from the competition of foreign people, and has so saved the American market for the products of American labor and American industry, and made possible the American standard of prices, which is far in excess of the standard of world markets, and

WHEREAS, Congress has, through special legislation, known as restricted immigration, protected the American laborer from the disastrous competition of foreign peoples and has so saved the American job for the American laborer, and made possible the maintenance of the American standard of wages, and

WHEREAS, the said special classes of legislation have afforded such ample and effective protection to the American laborer and the American manufacturer as to, quoting our President in his message to Congress, "enable them to live according to a better standard and receive a better rate of compensation than any people, any time, anywhere on earth have ever enjoyed."

WHEREAS, the protection so afforded to American labor and American manufactures, supporting for them an American standard of prices for their products, has forced upon the American farmer an American standard of prices for the things he must buy, the taxes he must pay and the labor he must hire,

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WHEREAS, protective tariffs for agricultural products are almost wholly ineffective, where the product is produced in excess of demand for home consumption,

WHEREAS, American agriculture does produce an exportable surplus of all of the major products of agriculture and the American farmer therefore, finds himself almost wholly unprotected, from that disastrous competition of foreign peoples,

WHEREAS, The American farmer is, therefore, forced to sell his product on the low standard of world prices in open competition with South American Indian, the peon of India, the peasant of Russia, whose overhead represents the lowest standards of living in the world, and is at the same time forced to buy his necessities from a protected market, at an American Standard of prices, bolstered up and sustained behind the protective tariff and restricted immigration walls,

WHEREAS, this unbalanced condition is chiefly responsible for the distressed condition of agriculture, a condition which has now continued for over four years, and has brought actual bankruptcy upon thousands of farmers and upon business enterprises, wholly dependent upon the farmers' prosperity, having in countless instances swept away the accumulated savings of a lifetime,

WHEREAS, the present better prices of some farm commodities represent only a temporary and local condition, and the fundamental cause of the distress has not been removed,

WHEREAS, we believe the policy above contended for as sound in principle, and, if fairly administered, destined to greatly increase the public welfare.

BE IT RESOLVED, by the Senate of the State of Montana, the House of Representatives concurring:

THAT, we respectfully urge that Congress, during its present session, pass and place upon our statute books, such legislation as will effectively give to agriculture the same protection as is now afforded to industry and labor, and

WHEREAS, the freight rate on grain to the terminal markets is now forty per cent. (40%) higher than during the pre-war period and the market price is but about twenty per cent. (20%), we recommend a reduction in the freight rates to equalize this condition, and

WHEREAS, the home market for the agricultural products, particularly wheat, is governed by the price of our own product in the markets of Europe, we heartily endorse the proposed plan to con-

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struct the St. Lawrence River ship canal which, by lowering the transportation charge, would add to the value of our agricultural products at the primary market, and

WHEREAS, the exportable surplus of agricultural products, and particularly of grains, depresses the home market below the cost of production, and

WHEREAS, by reason of our geographical location, our harvests and marketing occur during a few months, but our domestic consumption and exportation of surpluses continue over the year.

We urge upon Congress the construction of terminal storage facilities to the end that storage charges be reduced to a minimum, so that the primary producer may not be forced, by reason of excessive storage and interest charges, to sacrifice his product in order to meet current expenses, but can avail himself through his cooperative marketing associations, of the credit facilities already provided by the Federal Government.

WHEREAS, the protective tariff does not protect agricultural products sufficiently because of the exportable surplus, that Congress devise some effective method of segregating the exportable surplus, or some means whereby the agricultural industry may itself segregate its surplus, to the end that the protection may be made effective on, and that the American market be saved for the product of the American farmer, and an American standard of agricultural commodity prices made possible.

BE IT RESOLVED, BY THE SENATE OF THE STATE OF MONTANA, THE HOUSE OF REPRESENTATIVES CONCURRING,

THAT, we do most earnestly urge upon the President of the United States of America, and upon the Congress of the United States, the imperative need on the part of the agricultural interests of the State of Montana for legislation to relieve the present depression which exists in that industry and setting forth the causes and some suggestions for a solution.

THAT, the Secretary of State transmit this Memorial to the President of the United States, to both Houses of Congress.

Approved February 18, 1927.

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SENATE JOINT RESOLUTION NO. 6.

Relative to the Policy of Caring for the Indians of Montana by the Expenditure of Federal Appropriations Through State Agencies.

WHEREAS, There is now pending in Congress of the United States a bill known as the Wheeler Bill S. 5498 in the House of Representatives, providing that funds appropriated for the care and relief of the Indians of Montana under the direction of the Secretary of the Interior shall be expended through certain public agencies of the State of Montana; and

WHEREAS, The Montana State Board of Health, State Board of Education and the State Bureau of Child and Animal Protection are excellently equipped to handle such federal appropriations and administer the relief which they are designed to accomplish for the Indians of Montana; and

WHEREAS, The health, economic welfare and education of the Indians of Montana is a matter in which the people of this State have a growing concern; now, therefore.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES, JOINTLY, That the Legislature of the State of Montana does hereby heartily endorse the principles embodied in said Wheeler bill pending before the Congress of the United States and believes that the best interests of the Indians of Montana will be served by its speedy enactment;

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Chairman of the Committee on Indian Affairs of the House of Representatives, Chairman of the Committee on Indian Affairs of the Senate of the United States, as well as to each of the Senators and Representatives in Congress of the State of Montana.

Approved February 26, 1927.

SENATE JOINT RESOLUTION NO. 7.

A Resolution Requesting the State Board of Examiners to File a written Report of Its Recommendation and Plan of Repayment to the Income and Investment Fund Moneys Wrongfully Used Therefrom as Acknowledged by Senate Joint Resolution No. 8, Session Laws of 1925, Page 472.

BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA, THE HOUSE OF REPRESENTATIVES CONCURRING:

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WHEREAS, Senate Joint Resolution No. 8 was enacted by the Legislature of 1925, acknowledging that large sums of money had been wrongfully diverted, used and expended from the Income and Investment fund.

WHEREAS, the State Board of Examiners of Montana, was directed by said Resolution to investigate and determine if the condition of the state general fund would permit the payment of the full amount thus found to be due in one sum, or in part payments, or to devise other plans that would be feasible to restore this trust fund so misapplied.

WHEREAS, It is the intention of this legislative body to take immediate steps to commence paying back to the school fund the money found to be due as set forth in Joint Senate Resolution No. 8, adopted by the Nineteenth Legislative Assembly.

NOW, THEREFORE, BE IT RESOLVED, That the State Board of Examiners be requested to file a written report setting forth what action has been taken to carry into effect said Joint Senate Resolution No. 8, together with any recommendations that may furnish a basis of repaying to the Income and Investment Fund at the earliest possible moment the money wrongfully diverted.

BE IT FURTHER RESOLVED, That a copy of this Resolution be handed to each member of said Board and that the Chairman of said Board be requested to file its reply with the Presiding Officer of the Senate and Speaker of the House at the earliest date possible, so that some action may be taken by this assembly before adjournment.

SENATE JOINT RESOLUTION NO. 8.

Relative to the Appointment of a Representative by the Governor Who Shall Serve as a Representative of the State of Montana on a Joint Commission Composed of One Representative From Each of the States—Montana, Idaho, Washington and Oregon—Relative to the Apportionment of the waters of Flathead River and Lake.

WHEREAS, the Columbia River and its tributaries are interstate streams, having their sources in a drainage area of approximately 250,000 square miles, said streams flowing through the states of Montana, Idaho, Washington, and the Columbia River forming the boundary between the states of Washington and Oregon; and

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WHEREAS, the above named states are vitally interested in the possible development of the Columbia River and its tributaries for irrigation, power, domestic and navigation uses; and

WHEREAS, the Secretary of the Interior, in a letter to the President dated December 11, 1924, has pointed out that plans for future reclamation development must take into consideration the needs of the states and the water right problems of inter-state streams and stated that efforts to reach an agreement for the economic apportionment of water of inter-state streams by the states concerned "have the cordial approval and support of this Department"; and

WHEREAS, it is advisable, in order that the interest of the people of the State of Montana may be properly safeguarded, and that the members of the Legislature may be properly informed regarding the matters as herein set forth, that an authorized representative be appointed to confer with like representatives from the other states and the government of the United States,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES JOINTLY CONCURRING:

That the Governor shall appoint a representative who shall serve without additional compensation as the representative of the State of Montana on a joint commission composed of one representative from each of the States of Montana, Idaho, Washington and Oregon and two duly authorized representatives of the United States of America, the principal duty of which commission shall be to negotiate and enter into an agreement between the several states hereinabove mentioned and between the said states and the United States of America, subject to the consent of Congress, respecting the further use and disposition of the waters of the Columbia River and streams tributary thereto, and fixing and determining the rights of each of said states and the rights of the United States in and to the use, benefit and disposition of the waters of the Columbia River and its tributaries; provided, however, that any agreement so entered into by said states and the United States of America shall not be binding or obligatory upon any of the contracting parties thereto unless and until such agreement shall have been ratified and approved by the legislature of each of the above mentioned states and by the Congress of the United States.

RESOLVED that the Governor of Montana, immediately after such representative of the State of Montana has been appointed and has qualified, shall notify the Governor of each of the above mentioned states of the appointment of the said representative of

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this state, giving his name and address, but said representative shall not enter upon the performance of his duties until a representative to serve upon said joint commission shall have been named and qualified for each of the states named.

Approved March 8, 1927.

SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 9.

Concurrent Resolution Memorializing the Congress of the United States Not to Abolish the Federal Estate Tax.

WHEREAS, there has been, and now is, considerable propaganda being disseminated to influence the repeal of the Federal Estate Tax, upon the grounds that it was originally passed as a war measure and interferes with the full freedom of the states to impose succession taxes;

AND WHEREAS, we do not agree with the reasons or purposes urged for the abolishment of this source of revenue, but on the contrary, firmly believe (1). That this form of taxation is no longer regarded by this country and other civilized nations of the earth as an emergency war measure but as a legitimate, fair, equitable and just source of revenue, which is paid largely by one who did not earn the property inherited, who is best able to pay it, and who cannot pass such tax to the public. (2). That while the war is over, the financial consequence to the government will remain for years to come, and it is eminently fair that large estates which have been created or enhanced through war opportunities, and whose property is largely invested in tax-exempt securities, should contribute to the liquidation of these war obligations. (3). That the right of the Federal Government and the States to tax inheritance is co-extensive, and the one is independent of the other, and consequently the Federal estate tax does not interfere with the rights of any state which honestly intends to retain this source of revenue, and this agitation is largely from states which have already granted immunity from any state inheritance tax, but, nevertheless, cannot successfully attract the wealthy to their shores unless the Federal Estate Tax is repealed. (4). That the present Federal Estate Tax allows a credit on its taxes to the extent of 80% thereof for state inheritance taxes paid and thus the question of double taxation theretofore urged as an additional reason for abolishing the Federal Tax has largely been removed. (5). That if the Federal Estate Tax is ever repealed the states which are not earnestly and honestly in favor of an inheritance tax may imme-

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diately repeal their laws as an invitation and inducement to the wealthy to take refuge within their borders, and the innocent states may be compelled, in self defense, to abandon this source of revenue, and within a short time thereafter, Federal Estate and States Inheritance Taxes may become a mere memory and relic of the World's War, and the extra burden will be shifted proportionately to those who are less able to pay and those who have sacrificed their health and wealth in its successful termination. This, we believe, to be the real purpose and object of this propaganda.

Therefore, Be It Resolved, by the Senate, the House concurring, that we hereby request the Congress not to repeal or abolish the Federal Estate Tax.

Be It Further Resolved, that certified copies of this concurrent resolution be forwarded to Montana's Senators and Representatives in the Congress of the United States.

Approved March 7, 1927.

SESSION LAWS

CHANGES OF NAMES REPORTED IN 1925 AND 1926.

Date of Judgment	Original Name	Name Decreed	Residence
Jan. 31, 1925	Gladys Marie White	Lavern Harriet Hoots	Livingston, Mont.
Feb. 26, 1925	Florence G. Lindberg	Florence G. Hall	Livingston, Mont.
May 7, 1925	Eleanor K. Hartwig	Eleanor K. Allen	Livingston, Mont.
Sept. 18, 1925	Madge Arthur	Madge Shadoan	Livingston, Mont.
Oct. 13, 1925	Haskens, Frances	Frances Murray	Livingston, Mont.
Oct. 28, 1925	Glen Parrish	George Walter Selby Jr.	Livingston, Mont.
Nov. 23, 1925	Grace E. Howard	Grace E. Niles	Livingston, Mont.
Dec. 26, 1925	Loretta Williams	Loretta Dolbec	Livingston, Mont.
Dec. 28, 1925	Dorothy Hazel Gipmans	Katherine Elizabeth Barry	Livingston, Mont.
Sept. 2, 1925	Mary E. Nehrbass	Mary E. Baker	Baker, Mont.
Oct. 29, 1925	Margaret Tindal	Margaret A. Squier	Forsyth, Mont.
Nov. 23, 1926	Wtdystaw Wrona	Edward Wrona	Scobey, Mont.
Mar. 20, 1926	Pusho Moianoff	Victor Moyer	Helena, Mont.
Jan. 29, 1927	Theodore J. Flygare	Theodore J. Mentrurn	Anaconda, Mont.

APPENDIX

APPENDIX

The following laws were passed by vote of the people at the general election held November 2, 1926.

PROPOSED PETITION FOR INITIATIVE NO. 30.

"An Act to repeal Sections: 11048, 11049, 11050, 11051, 11052, 11053, 11054, 11055, 11056, 11057, 11058, 11059, 11060, 11061, 11062, 11063, 11064, 11065, 11066, 11067, 11068, 11069, 11070, 11072, 11074, 11076, 11077, 11078, 11080, 11081, 11082, 11083, 11085, 11086, 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11095, 11096, 11097, 11098, 11099, 11100, 11101, 11102, 11103, 11104, 11105, 11106, 11108, 11109, 11110, 11111, 11112, 11113, 11114, 11115, 11116, 11117, 11118, 11119, 11120, 11121, 11122; also Sections 11071, 11075, 11079, 11084, and 11084A as amended by Chapter 116 of the Laws of the Eighteenth Legislative Assembly of 1923; and also Sections 11073 and 11107 as amended by Chapter 78 of the Laws of the Nineteenth Legislative Assembly of 1925, being all of Chapter 29 of the Revised Codes of 1921, as above amended, relating to intoxicating liquors and regulations governing manufacture, sale and use thereof."

Be It Enacted by the People of Montana:

Section 1. That Sections 11048, 11049, 11050, 11051, 11052, 11053, 11054, 11055, 11056, 11057, 11058, 11059, 11060, 11061, 11062, 11063, 11064, 11065, 11066, 11067, 11068, 11069, 11070, 11072, 11074, 11076, 11077, 11078, 11080, 11081, 11082, 11083, 11085, 11086, 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11095, 11096, 11097, 11098, 11099, 11100, 11101, 11102, 11103, 11104, 11105, 11106, 11108, 11109, 11110, 11111, 11112, 11113, 11114, 11115, 11116, 11117, 11118, 11119, 11120, 11121, 11122; also Sections 11071, 11075, 11079, 11084 and 11084-A as amended by Chapter 116, of the Laws of the Eighteenth Legislative Assembly of 1923; and also Sections 11073 and 11107 as amended by Chapter 78 of the Laws of the Nineteenth Legislative Assembly of 1925, being all of Chapter 29 of the Revised Codes of 1921 as above amended, relating to intoxicating liquors and regulations governing manufacture, sale and use thereof, be and the same are hereby repealed.

NOTE:—This measure became a law by virtue of the Governor's proclamation on November 20, 1926.

SESSION LAWS

PROPOSED PETITION FOR INITIATIVE MEASURE NO. 31.

A bill to enact by the Initiative a law to amend Section 2382, Section 2383 and Section 2392 of the Revised Codes of Montana of 1921, as amended by Chapter 150 of the Laws of 1923 and by Chapter 186 of the Laws of 1925, relating to the imposition of a tax on the sale of gasoline and the collection and disposition thereof.

BE IT ENACTED BY THE PEOPLE OF MONTANA:

Section 1. That Section 2382 of the Revised Codes of Montana of 1921, as amended by Chapter 150 of the Laws of 1923 and by Chapter 186 of the Laws of 1925, be and the same is hereby amended to read as follows:

“**Section 2382.** Every distributor shall pay for the year 1927 and each year thereafter to the state treasurer a license tax for engaging in and carrying on such business in this state in an amount equal to three cents for each gallon of gasoline refined, manufactured, produced or impounded by such distributor and sold by him in this state, or shipped, transported or imported by such distributor into and distributed and sold by him within this state after it has arrived in and is brought to rest within this state, whether sold in the original packages or in the broken packages during such year, provided that all gasoline delivered by any distributor to any of his service stations in this state shall be deemed to have been sold and shall be treated and considered in computing such license tax in the same manner as though the same had been sold to dealers or to other persons.”

Section 2. That Section 2383 of the Revised Codes of Montana of 1921, as amended by Chapter 150 of the Laws of 1923 and by Chapter 186 of the Laws of 1925, be and the same is hereby amended to read as follows:

“**Section 2383.** Every dealer shall, for the year 1927 and each year thereafter, when engaged in such business in this state, pay to the state treasurer for the exclusive use and benefit of the State of Montana a license tax for engaging in such business in this state equal to three cents for each gallon of gasoline sold or distributed by such dealer in this state during such year, provided, however, that no gasoline sold by such dealer, which was purchased by him from a producer or distributor, who had paid the tax thereon, shall be included or considered in determining the amount of such license tax to be paid by such dealer, but only such gasoline as was shipped, transported or imported into this state and purchased by such dealer before it had arrived in and was brought to rest within this state and then resold by such dealer, whether in the original

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packages or in broken packages, shall be included or considered for the purpose of computing such license tax."

Section 3. That Section 2392 of the Revised Codes of Montana of 1921, as amended by Chapter 150 of the Laws of 1923 and by Chapter 186 of the Laws of 1925, be and the same is hereby amended to read as follows:

"Section 2392. All money received by the state treasurer in payment of license taxes under the provisions of this act shall be deposited by him and credited to the state highway fund. All money so collected and deposited in the state highway fund shall be used and expended by the State Highway Commission in the construction, reconstruction, betterment, maintenance, administration and engineering on the Federal Highway system of highways in this state selected and designated under the provisions of the Federal Aid Act, approved July 11, 1916, and the Federal Highway Act approved November 9, 1921, and all amendments thereto, and for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering of highways leading from each county seat in the state to said Federal Highway system of Federal Aid roads where such county seat is not on said system, and for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering of such other roads as have been or may be authorized by the laws of Montana. Provided, that the total net cost to the state for administration and engineering on the Federal Aid work contemplated by this act shall not exceed for any fiscal year 8% of the total of State, Federal Aid and other available funds expended under the supervision of the State Highway Commission. It shall be the duty of the State Highway Commission, in expending such money, to carry forward construction from year to year, using the money expended through the matching up of Federal Aid allotments to Montana upon the said Federal Highway system of highways in the various parts of the state, so far as it may be possible within a reasonable development of the whole Federal Highway system, in proportion to the amount of mileage still to be constructed in the various sections of that system."

Section 4. This Act shall be in full force and effect on and after January 1, 1927.

NOTE:—Governor's proclamation regarding this measure was issued November 20, 1926. It became effective under its own provisions on January 1, 1927.

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